

# CRIME and DELINQUENCY

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## Institutional Population Explosion

**I**N MOST jurisdictions correctional institutions are bursting at the seams.

To arrive at this conclusion, you need only compare the prisons' actual population with their designed capacity, and you need only take note of the all too frequent prison riots to comprehend the terror, the destruction, and the cost of overcrowding in the prisons today.

Why are the institutions overcrowded? One quick answer frequently offered is that an increase in the general population results, naturally, in an increase in criminal convictions; another is that the crime rate has gone up. In either case the overcrowding would be the result of more criminals without a proportionate increase in the space for confining them.

What has been happening recently in the federal institutional system impresses us as a more accurate explanation. The annual number of commitments to federal institutions has not increased—it has, in fact, decreased;

nevertheless, the federal institution population has been increasing at a worrisome rate. In 1950, the number of prisoners in federal penal institutions was 17,930; in 1960, it was 24,084. The Federal Bureau of Prisons 1960 report states (p. 21): "Though the number of prisoners confined continues to rise at a rapid pace, court commitments to Bureau of Prisons institutions in 1960 dipped to 14,417 as compared to the 14,870 during fiscal year 1959. Looking back at the last five years, 1956-1960, court commitments have averaged 14,439 per year, as compared to the 15,395 per year received during the five-year period, 1951-1955." The increase in the prison population, then, is due, at least in part, to a greater number of *long-term* prisoners.

Another reason for prison overcrowding is that, in many jurisdictions, parole is granted only on a "positively no risk whatever" basis. In other words, it is granted only to those persons who could have been

placed on probation instead of in prison to begin with. Commitment instead of probation in appropriate cases and the failure to parole prisoners who no longer require confinement account for a large part of the overcrowding.

The basic causes of overcrowding are, therefore, not the general population explosion or the current crime and delinquency problem but, rather, unsound policies in sentencing and parole, and in the lengthy penalties provided for in penal codes. Even if crime and delinquency rates were to remain constant, the increase in population would produce a steadily increasing number of offenders if we do not alter our penal policy. If we do not plan for an expanded use of probation, parole, and other means of community treatment as a concomitant to expansion of institution facilities, correction in America faces a costly and wasteful future.

The subject arose during the National Institute on Crime and Delinquency in Atlantic City last May. A resolution (see pp. 379-380) addressing itself to this problem was adopted. The heart of the resolution reads: "Be it resolved that no jurisdiction should undertake to build new correctional institutions to increase capacity without first making a study or having a study made to determine whether the expanded use of dispositions which permit treatment of the offender in the community, and which more effectively apply parole and other release procedures, would not be more economical and efficient and avoid the necessity for such expanded construction."

I do not know of any other program pronouncement in our field in recent years that is more vital than this one. We have often said that we

need a *balanced* correctional system, one that makes the very best use of all resources. Today most of our correctional systems are out of balance, with millions of dollars being expended for construction and maintenance of institutions without reference to what portion of the cost might be saved by simultaneously bringing probation and parole services up to standard. There can be no doubt that many of our antiquated correctional institutions must be replaced and that dangerous offenders are not appropriate subjects for probation. A businesslike approach to correctional planning would consider these factors as more significant than overcrowding per se in determining new construction needs.

Institutions have an indispensable role in a balanced correctional system. They need more financial support than they receive, if they are to be rehabilitative. Only by excluding from them the persons who do not require institutional treatment can we have institutions with adequate staff and other resources. They may need no less money than they are getting, but it has to be used more intelligently.

Since 1945, about 140 new correctional institutions or additions to existing institutions have been constructed. How many of them were built in the absence of the kind of study urged in the resolution, a study that would evaluate "the necessity for such expanded construction"? How many of those newly constructed will soon be overcrowded because of the lack of such a study? The mental health field is finding that strengthening community services reduces institution population. The same approach is long overdue in the field of correction.

—MILTON G. RECTOR

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# Social Conformity and the Comradely Courts in the Soviet Union\*

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*This is a study of the comradely court in the Soviet Union today. The institution is located in factories, housing units, and collective farms for the popular trial of minor offenders. One of its major functions is that of encouraging social conformity through the use of the pressure of public opinion. It is particularly efficacious as it deals with miscreants at the prelegal level. The court can be seen as both a preventive and a corrective instrument. The facts and cases cited are based primarily on information in articles in Soviet newspapers and legal periodicals.*

**I**VAN Petrovich was what one would call an exemplary worker. His comrades in the machine tool plant where he worked had never known him to arrive late in the morning. He was efficient and pleasant to work with and on Thursday night he would come down to the workers' club to read quietly and smoke, join in a discussion with some of his fellow workers on some topic of current interest, or, perhaps, attend one of the educational lectures which were presented fairly frequently in the larger meeting room upstairs. He was liked by his friends at the plant and loved by his wife and little daughter. One

would never have imagined that Ivan Petrovich would ever cause the factory management even the slightest amount of difficulty.

The situation changed, however, shortly after he came back from his two-week vacation. One morning, Ivan Petrovich came in to work fifteen minutes late. When he did so again the following day, his brigade leader spoke to him about it. Ivan Petrovich snapped back a sharp reply and remained in bad humor for the rest of the day. Thursday night he didn't make his usual visit to the worker's club and Saturday night he was found in a drunken state by a policeman and sent home. His brigade leader noticed that, in addition to being late every day, Ivan Petrovich was getting careless. There was more breakage in his department than either usual or acceptable. By flouting the rules, Ivan

\* This article was written during the time the author was a recipient of a Ford Foundation Fellowship at Columbia University. The conclusions, opinions, and other statements in this publication are the author's and not necessarily those of the Ford Foundation.

Petrovich was causing his entire brigade to suffer. His whole unit was slowing up and the brigade leader began to fear that his group would not be able to meet its monthly quota if this condition persisted.

He finally took matters in his own hands and discussed the problem with the plant manager. They decided that the best solution would be to call a meeting of the factory collective, which would sit as a comradesly court, hear the problem, and give Ivan Petrovich an opportunity to justify his actions.

One evening of the following week almost all of the three hundred workers of the machine tool plant met in a large hall. Ivan Petrovich sat at the front of the room, with the members of the court (a president and two deputies) sitting before him at a table. The brigade leader first made his charge against the worker for coming in late and being short-tempered with him on a number of occasions. After this, another worker told how Ivan Petrovich had spoken insultingly to him at lunch several days before. A third arose to remark that Ivan Petrovich, until a few weeks ago, had been an outstanding worker and comrade; he was seconded in this statement by one of the men who worked very close to the accused. Someone else brought out the fact that Ivan Petrovich had been drunk the previous Saturday.

After about fifteen workers had made their comments on the merits and faults of Ivan Petrovich as a worker, the accused stood up in his own defense. He explained that during his vacation his wife had been told she would have to have an operation and that he now had many problems on his mind. His daughter

was too young to take care of the house. His wife was in poor spirits and her state of mind affected him and the child; he was constantly worried about her condition. He had finally been so distraught on Saturday that he drank too much and had to be taken home.

When Ivan Petrovich had concluded his defense and all further comments had been made by his fellow workers, the court called for an intermission to arrive at a verdict. A few minutes later they returned to the table and announced their unanimous decision: no fine or punishment, but supervision under the watchful eye of the collective for the next few months. They first said that the defendant was wrong in not bringing his problem to his foreman in the first place, because he had hampered his brigade's effort to fulfill its quota. The court also reprimanded several of the workers who lived in his apartment house for not being friendly enough to discover that Ivan Petrovich's wife was sick or that he was faced with a difficult situation. At this point, several of the women got up and offered to help his wife with the cooking and see to it that his daughter was cared for while the mother was in the hospital. Ivan Petrovich stood up before the collective and, with tears in his eyes, expressed his gratitude for the support of his comrades and his regret for having endangered the factory's record by worrying over a problem the group could readily ease. As he walked out of the meeting hall a number of workers, both those who had praised him and those who had pointed the accusing finger, came over to talk to him good-naturedly. Once the trial was over, all were fellow workers again and the

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situation of the accused versus the accuser no longer existed.<sup>1</sup>

### The Court as Educator

For centuries men have searched for successful, efficient methods to try their peers for alleged violations of social norms. Variations of this practice of trial by one's equals can be seen in the English tradition of trial by jury, in the village courts of India, and in the Chinese family system. All of these aim at curtailing the actions of members of the group to conform to an accepted standard of behavior. In the United States we find such attempts being made through arbitration, small claims, juvenile, and domestic relations courts.

Perhaps one of the most interesting experiments in the field in the twentieth century is that attempted in the Soviet Union through the use of the comradely court. The general aims of this court are not peculiar to the U.S.S.R., but its methods and results can be contrasted with the procedure used in other such bodies. The court is intended to educate the public in obedience to rules of socialist society, thereby preventing infringement of the law through acts which would be detrimental to that society. In this sphere, the court has a twofold role: First, it acts as a preventive instrument by arousing public interest in the maintenance of social order. This is accomplished through the mass participation which the court involves, the attention that both the trial and the verdict receive locally, and the feelings of personal responsibility in maintaining public order which are

inculcated in the average citizen. Second, the court is the instrument by which the offender is re-educated and returned to society as a useful member.

### Conformity and Order

To maintain order, every society requires a certain amount of conformity by its components. Each person is limited in his own actions by the actions and desires of his neighbors. Not only murder and theft, but also less drastic offenses must be prevented and curtailed. As society becomes increasingly interdependent, this need for additional consideration of others becomes more acute. A man in a private house, having his own boiler, can use all the hot water he desires; but if he shares the supply of hot water with others, he is forced to curb his use in order to allow a fair allotment to all. Looking at the present situation in the Soviet Union one can find practical necessity for a degree of social conformity which would be considered excessive in the United States. Because of the interdependence of the workers of a brigade in fulfilling a desired quota and because of the necessity to share facilities in close living quarters with other families, the actions of an individual very often take on an emphatically social aspect, and members of the group take a greater hand in seeing that the others conform to the desired norm. Many activities which are purely personal matters in the United States fall under the domain of the collective in the Soviet Union.

The comradely court is set up to deal with problems which involve such cooperation. The notion is that when the community as a whole takes care of particular offenses, it creates a greater social responsibility in the

<sup>1</sup> This case is a composite of various cases cited in the Soviet press and serves to typify the work of the comradely court. It is not based entirely on one particular offense brought before a court.

individual and thus renders him less likely to deviate from certain rules in the future. If the comradely court were limited in its jurisdiction to specific practical problems which could be handled easily by the collective in working places and dwellings, it could be a very important asset to the maintenance of social order. Indeed, many cases are cited in Soviet newspapers in which these courts do play an important educational role in the community. However, the courts handle cases of a wide variety and, as we shall see later, their function broadens from simply upholding healthy norms of society to curtailing individual actions to a much greater extent, thus inhibiting any sort of deviation which might be considered dangerously individualistic.

### Soviet Theory of Justice

An understanding of the theory operating comradely court procedures involves a familiarity with certain principles of Soviet justice and the goals it attempts to attain:

First, the existence of a violator of the rules of socialist society indicates, to some extent, the guilt of society as a whole. The community is responsible for the education of the individual. Members of the group are supposed to take an active interest in the actions of others and are expected to guide and favorably influence potential deviators. Therefore, when a young man "goes astray" not only he, but his whole collective, is at fault.

Furthermore, the desired result of justice is not merely punishment, but re-education. A society in which all members are necessary and working parts contributing to the needs of the collective does not want to lose the benefits of any of them. Thus, where-

ever feasible, it is preferable that the miscreant remain a useful part of society while he is re-educated, either under parole by the collective or while working in a corrective labor camp. During the past two years, placement of the guilty under the aegis of the collective by the people's or comradely courts has been praised as an excellent measure toward the re-education of the individual.<sup>2</sup>

This dual function of the comradely court—the education of both the criminal and society—is significant in that the general public is made responsible for upholding the morals and laws of society and must remain aware of this duty. In *The Law of the Soviet State*, Vyshinsky emphasizes this theory of public participation and civic responsibility in the U.S.S.R.:

Socialist society elevates the idea of social duty to a lofty height. Taking a direct and active part in socialist building, the USSR citizen must possess a highly developed idea of social duty and must realize that each citizen's fulfillment of his social duty is the basis upon which society in its entirety, and therefore the personal welfare of the citizens, may flourish.<sup>3</sup>

Justice by peers involves two types of responsibility for a member of the collective: he is personally responsible for fulfilling his own duties and obligations, and he is also responsible for seeing that justice is done in dealing with infringements by other members.

<sup>2</sup> *Current Digest of Soviet Press*, Vol. XI, No. 41, pp. 14-15, "Decree No. 3 of the Plenum of the U.S.S.R. Supreme Court, June 19, 1959"; *CDSP*, Vol. XI, No. 37, p. 23, "You Vouched for Someone—Be Responsible!" (*Izvestia*, Sept. 13, 1959); *CDSP*, Vol. XI, No. 41, pp. 15-16, July 20 Order No. 43 of the U.S.S.R. Prosecutor-General, July 20, 1959.

<sup>3</sup> Andrei Vyshinsky, *The Law of the Soviet State*, p. 641.

By bringing cases of minor violations before the collective, thus exposing them and affording them expression, the system has a sort of cathartic or purifying effect—presumably a very helpful psychological device.

In examining these facets of Soviet justice, one finds in them an almost parental character. Man not only must be punished for misdeeds, but is to be educated and guided along the proper lines, just as a child might be guided by its mother. Here the community is the mentor and the individual the student. The comradely courts dispense justice on a far more personal level than the "people's courts," which are regular legal courts dealing with misdemeanors. It is this personal touch which is so effective in the comradely courts' basic approach to minor offenses. (Let it be noted, however, that an examination of the law of other nations will also expose an educational and somewhat parental character, although perhaps not always of such a personal nature.)

### Pressure of Public Opinion

To fulfill this Soviet concept of justice, the comradely court is set up so as to achieve a maximum of attention from the general public without leading to mob rule. Use of the comradely court as an instrument to standardize social behavior demonstrates the strong influence of public opinion on would-be offenders of the social norm. A given group in a factory, an apartment house, or a collective farm elects by majority vote three judges, who serve a specified term in office.\*

\* This description is somewhat simplified to avoid listing the varied exceptions and variations which one finds in different locales. For instance, there is no uniformity in the number of months for which a judge is

Either at regular intervals or when the need arises, the court holds a session, which is attended by the members of the collective. Each group tries cases which are directly related to the functioning of that specific entity. A man coming to work drunk, or leaving early, will be tried in a court set up in the factory. A woman violating the rules of the apartment house in which she lives will have to defend herself before her neighbors on the premises.

One must not underestimate the great effect of public influence in the role of the court. Probably the strongest pressure of public opinion is felt during the trial itself. Time and again letters received in the prosecutor's office state: "I am ashamed to appear before the comrades with whom I work. . . . Really, it is easier to endure a stricter punishment than the stern court of the collective."<sup>5</sup> The individual is placed in a very awkward position when he appears as a defendant before a comradely court. Here he must stand before the men who work beside him in a factory, who eat lunch with him, or who know him personally outside of work. In this setting one does not find the objective jury sought in an American court, or the more impersonal judge and people's assessors of a people's court. Instead, those sitting in on the trial are likely to be more directly affected by the actions

elected, in the frequency of meetings of the court, and so on. The description of the courts, therefore, is a composite of general practices and the laws governing them. The R.S.F.S.R. law governing comradely courts at housing establishments dates from June 30, 1931; the law establishing the courts in mills and factories is dated Feb. 20, 1931.

<sup>5</sup> "Comrades' Courts Are a Collective Educator," by three members of the All-Union Institute of Jurisprudence, *Izvestia*, Oct. 21, 1959, p. 2.

of the accused and therefore less impersonal in their judgment. If a man chronically comes to work late and thereby slows up his entire brigade, the group as a whole will suffer. If a woman is inconsiderate in her use of the jointly shared apartment facilities, her neighbors are more likely to show a greater spirit of resentment than an objective jury would. Thus, the judges are supposed to invoke a greater feeling of social responsibility in the defendant.

### Individualized Justice

Furthermore, the comradely court is urged to take the personality of the offender into account. Because punishment takes the form of re-education, the court must carefully consider the defendant's character, his previous record, his background, and the possibility of his satisfactory social reform. In July, 1959, R. Rudenko, U.S.S.R. Prosecutor-General and State Advisor of Justice, emphasized that courts must maintain a strictly individual approach to punishment and take into account the power of public influence on the offender.<sup>6</sup> In his instructions he suggested that, in general, the courts should consider mitigating circumstances and should make wider use of penalties that do not involve deprivation of freedom. He urged that measures of public influence be applied where criminals are not too socially dangerous. These principles are relevant to ordinary legal courts as well as to comradely courts.

These suggestions immediately remind one of the discretionary powers of the judge in an American muni-

cipal court, where a similarly paternal attitude may relate the judge's verdict to the guilty party's character and his chances of reform. In these trials of minor offenses, the defendant often appears without a lawyer and the judge discusses the situation with him directly. He may turn the offender over to a social worker or see that the man finds the job or dwelling required.

Many facets of comradely court trials are not at all foreign to an American court handling similar cases. Although the procedures may vary, the principles remain the same. One must bear in mind, however, that the comradely court, because of the close connection between defendant and judges, takes on a much more personal atmosphere, an atmosphere which is avoided in jury and nonjury trials in the United States. Thus, in the comradely court, not only the sentence but the verdict itself is based on the defendant's personality.

### Scope of Jurisdiction

A comradely court can try a great variety of cases. The model draft statute, which will increase the range of cases allowed, has not yet been passed. In actuality the courts, for some time now, have been exceeding the jurisdiction prescribed by the statutes of the 1930's. Passage of the new statute, therefore, will do little more than announce a *fait accompli*. At the present time, the jurisdiction of the comradely court includes violations of labor discipline (which involve a broad range of offenses), parasitism, failure to aid aged parents or to bring up children properly, illicit distilling, minor damages, insults, illegal use of public materials, and similar offenses. The realm of "morals" is invaded as well.

<sup>6</sup>R. Rudenko, Order No. 43 of the U.S.S.R. Prosecutor-General, July 21, 1959, *Sotsialisticheskaya Zakonnost*, July 20, 1959. Translated in *CDSP*, Vol. XI, No. 41, pp. 15-16.

A "violation of labor discipline" includes failure to abide by instructions, careless attitude of a worker toward his duties, and "insults," which can be very broadly interpreted. A number of workers have been brought before their comradely court in the factory for insulting a foreman. Where can the line be drawn between insult and pure dissent? Many of the cases reviewed in the newspapers indicate what would seem to us the absence of a tradition of dissent—dissent from conditions of one's work and dissent from the attitude of one's neighbors. By enabling the comradely court to operate on a prelegal level in cases of this nebulous variety, the state gives the collective even more opportunity and power to encroach on the sphere of the individual. The group always tends to demand regularity of ideas and actions and to curb individualistic tendencies of one member, thus acting in behalf of the state in limiting social deviations. If we had more information on the nature of those offenses labeled "insults," we would perhaps find that they are merely criticisms by an individual of some actions of the foreman or of some phase of the procedure. Very cleverly, the state places the policing of conformity into the hands of the collective.

Here we can see that the comradely court is not purely a device to take care of minor crimes and prevent the occurrence of major ones. It goes beyond this function to encompass the whole broad range of "morals." By suppressing deviations in manners and dress, the court will supposedly also discourage ideological deviations. Not only actions but also attitudes can come under this jurisdiction. S. Borodin, a member of the Russian Republic Supreme Court, strongly advocates

an emphasis in this direction by the comradely court,<sup>7</sup> whose list of offenses includes "failure to fulfill the duties of bringing up the children; also failure to render aid to aged parents."<sup>8</sup> Borodin does more than merely support the necessity of this clause; he states that the aid referred to should not be limited to material support alone. Aged parents, he says, deserve genuine concern. He complains that the moral aspect of the problem has slipped out of the field of vision of the people's court. "The public, however, has not only the right but the duty to consider and discuss the behavior of this or that person in this regard." Borodin, then, would like the public to have a voice in judging a person's attitudes in the field of morals in addition to chastising him for his actions. This principle is implied in Article 1 of the model statute: "The main thing in the work of the Comrades' Courts is to prevent infringement of the law and acts detrimental to society." The key word is "prevent." This means that neighbors are to take upon themselves the duty of questioning the propriety of the thoughts of their comrade next door and of noticing who his visitors are (something easily accomplished in a Moscow apartment) and how friendly he is with foreigners. This, of course, is nothing new in the Soviet Union and it will not strike the Soviet citizen as a novelty. Now, however, the problem is being brought to the community level instead of being secretly reported and handled by a separate body. As the Lenin Borough As-

<sup>7</sup> S. Borodin, "A Draft Law That Deserves Approval," *CDSP*, Vol. XII, No. 7, pp. 28-29.

<sup>8</sup> Model Statute of Comrades' Courts, Art. 6, Par. 2, published in *Izvestia*, Oct. 24, 1959.



sistant Prosecutor said recently in speaking of the work of the comradely courts: "Who knows better how a person behaves and whether he works or not than the neighbors, the apartment house manager, and the yard man?"<sup>9</sup> Thus, the role of the comradely court in taking care of minor crimes and delinquency is coupled with the role of the public in preventing other infringements and in looking after a broad range of deviations under the heading of "morals."

### Means and Ends

This community involvement with the individual's actions and attitudes brings up another problem, which can be illustrated by citing an incident written up in *Izvestia*. The author of the article<sup>10</sup> complains of the illegal trial of five women who, he asserts, were brought before a public meeting and there were unjustly accused of immoral conduct. It seems that several male students at a nearby technical transport institute had overimbibed and were disturbing the peace. A firm believer in practical use of the adage, *cherchez la femme*, the director of the institute had the women brought before a public meeting and there charged them with immoral conduct in causing the students' sinful actions.

In reality, the case was "rigged"; the women were innocent, victims of the search for convenient scapegoats by the school director and the police chief. Having decided that the moral sense of the public had to be reawakened, they charged these women with immoral conduct, basing their accusations on suppositions, inferences, and gossip. The chairman of the local

party committee later admitted that the group really had no right to sit in judgment on the accused, but he insisted that, nevertheless, the trial was justified because it had enhanced the role of morals in the community. The fact remains that five innocent women were brought by the police into a room filled with five hundred people and, for all intents and purposes, were judged by the group on charges known by the accusers to be false.

This trial brings to light the dangers of the comradely court—namely, that Party or union control over the court can result in fabrication of an issue for the "education" of the public. Publication in Soviet magazines and newspapers of feuilletons, cartoons, and articles dealing with such social problems reflects a situation the Party must consider dangerous. Frequent anecdotes and cartoons about drinking clearly show that the problem is prevalent; articles of this sort are not published for entertainment value. An astute reader of the Soviet press can learn much from noticing the topics of such articles. How much influence the Party and union leadership now have on the working of the comradely court is still a question. One can safely assume, from the very publication of newspaper articles such as the one mentioned above, that the "rigged" trial in the comradely court is not a rare practice.

### Corrective Measures

The educational and punitive measures which the court may use for re-educating the offender and insuring the desired degree of conformity include the issuance of a warning, public censure, public reprimand (all of them written up in the wall newspaper in the area for added publicity),

<sup>9</sup> *Prauda*, Aug. 28, 1960, p. 2.

<sup>10</sup> B. Barsov, "Deviz i ego Voploshchenie," a feuilleton in *Izvestia*, April 1, 1960, p. 6.

and imposition of a fine. (In the model statute, the fine is one hundred pre-1961 rubles, or one-eighth of the average worker's monthly salary.<sup>11</sup>) The court can also make the accused apologize publicly. In addition to this, according to the model statute, the comradely court can order the salary of the guilty person to be lowered for three months and can even see to it that he is demoted or dismissed. Furthermore, the offender can be evicted from his dwelling if he is "unable to get along with other tenants" or has "a barbarous attitude toward the housing facilities." The decision of the comradely court is final and cannot be appealed.

### Two Basic Flaws

Briefly, the comradely court is an undesirable instrument of social pressure in at least two types of cases. The first is minor crime, such as stealing equipment or illegal possession of a

<sup>11</sup> Model Statute of Comrades' Courts, Art. 15, Par. 7.

weapon. In cases of actual criminal violations, where the utmost objectivity is desirable, there is a limit to how unbiased one's fellow workers or apartment dwellers would be. Cases of this sort should be brought, instead, to a People's Court, where legal methods of protection and appeal can be exercised. Since serious consequences may arise from the verdict of a comradely court in cases of minor criminal violations (and there is no appeal), a man should have the same legal rights that a more flagrant violator possesses.

The second type of case not fit for public pressure trials is, as was stated earlier, that which comes under the heading of morals. Permitting such cases to be judged by the comradely court suggests a frighteningly broad jurisdiction of the collective, one which increases the power of the group to the detriment of the individual. Such methods of bolstering conformity help crush any individuality in a member of a collective.

# The Crime of Crime Reporting\*

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*The American people have never adequately understood the extent to which crime causes a waste of time, money, and human life. The reason for this inadequate understanding is the newspapers' failure to supply the people with basic information. Sensationalism, uncritical use of "handout" material, misinformation and suppression of information, lack of independent research—all of these constitute the "crime" of crime reporting.*

I BROKE into newspapering in the twilight days of the wild and woolly period of the late 1920's. Young reporters wore their crushed felt hats both in and out of the office. They frequented the home-brew joints. They rode in those old touring cars the police used to use—siren screaming, top down.

When news was light I can recall the city desk rounding up every one of the night's purse-snatchings, two-bit break-ins, trivial cutting scrapes and vagrancy arrests and emerging on the street with a flaming banner-line reading: "Crime Wave Sweeps City." And if at eleven o'clock in the morning we got a decent news story the crime wave fell out of the paper and nobody ever referred to it again.

Once when one of our major public utilities threw an all-night drinking bout for the press they ran out of liquor at three in the morning. And the vice-president of public relations had no hesitation about phoning the police chief and over came a squad

car with a couple of cases of booze to help keep the party afloat.

But this kind of petty corruption wasn't limited to police or press. It was a way of life that affected judges and lawyers as well. I can recall riding with a team of deputy election commissioners one election day when we came across a judge running for re-election who was passing out shiny half-dollars in one shabby neighborhood in payment for votes. And when I said something about it in wide-eyed horror, I was chided by both veteran newsmen and veteran lawyers. "Listen," said one, "nobody would believe a word of it if you printed it—and second, if we tried to pick up every guy in this election who's buying a vote, we'd run out of space in the pokey. Forget it."

I go into this piece of lurid and unappetizing history simply to underline a central fact of our society. It is that we have grown up a very great deal in these thirty-odd years.

Certainly, we still have crooked judges, crooked lawyers, crooked police, and a good many newspapermen who undoubtedly are for sale on any

\* From a speech given at the Crime News Analysis Course for Newspapermen, Northwestern University, March 20, 1961.

given occasion. Human nature being what it is, I suppose that we must always expect to have a certain number of men who, for one reason or another, fall from the path of rectitude.

Nevertheless, I submit that the record clearly indicates a vast forward step in our ethical concepts—and it is reflected in many of our accomplishments over these past three decades.

I am convinced that our long step forward would have been described only as the kind of progress made possible with seven-league boots had it not been for the degrading and retrogressive period of mccarthyism.

McCarthy and his cohorts introduced into our lives a drumfire attack on some of our most basic civil liberties. One of the most fiendish results has been a steady erosion of the people's belief in the Bill of Rights. Some public figures have publicly expressed the conviction that if the Bill of Rights were voted on today by the American people, it might well suffer defeat.

The McCarthy era had another dismaying result. It drove decent Americans into a kind of mole-like existence, seeking camouflage in acquiescence and parrot-like conformity. This mad rush to prove one's self a loyal American brought on much of the spinelessness which today afflicts our society. In the field of law, the traditional desire for respectability coupled with this drive for conformity only served to deepen the average lawyer's distaste for criminal practice. One side effect, in my view, has been that bar associations in many places have chosen to look the other way when inferior courts recklessly violate the basic rights of defendants; and lawyers in many situations have vio-

lated their oaths by not trying to make certain that every accused person is assured adequate counsel and defense.

But speaking of progress, the most amazing improvements have taken place in American journalism. From the excesses of "yellow journalism" at the turn of the century and the subsequent circulation wars and thoroughly irresponsible reporting and writing, we have virtually plummeted into a kind of new age—a desire for responsibility and accuracy and sound public service.

### A New Era in Journalism

Recently there was a story out of New York about Vivien Leigh quite properly walking out of a brief interview in a huff when a young ship-news reporter asked her what role she had played in *Gone with the Wind*.

Once upon a time, almost every person of note was horrified by this kind of experience. It is so unusual today that we carry a story on it—and the story does not protect the reporter.

Thirty years ago we were graduating copyboys without high school diplomas into the ranks of reporters. That so many of them made not only good reporters but good editors is a tribute to their natural abilities, their willingness to work hard, and their desire to gain an education outside of formal schooling. Some of these men wound up better educated than many college professors. But it would be an absurdity to claim this for more than a handful. The truth is that most of the copyboys-turned-reporters were hacks who never learned to write very well. They were known primarily as "leg men."

Today, it is the rare newspaper that will employ a young man without a college degree. A great many have

degrees from the top-ranking graduate schools of journalism. And with the salary levels what they are on most large and middle-sized newspapers today, a reporter of skill and competence not only has a preferred status in his community, but ranks on the salary level with a full professor, and some of them equal deans in income.

Moreover, American newspapers have swept into the era of specialization. We have reporters who concentrate on science and medicine, on education, on religion, on public utilities, on civic affairs, and on politics, the science of government.

There is no inherent virtue in monopoly and I would not defend it for a moment as such. Yet, the facts of life are that the unhappy trend away from competitive journalism and to monopoly has played a very large role in the improvement of American newspapers.

With the pressure of circulation competition gone, the newspaperman in monopoly situations has become free to devote himself to higher standards in communication, more community responsibility, the development of greater writing skills, more intelligent interpretation of vital news. Most important, in many communities our newspapers have become responsible mirrors of the world in which we live. They are coming closer toward fulfilling their basic educational function—informing the citizenry of what is transpiring, of some of the reasons behind the action, of what it portends.

### Crime News Reporting

Yet for all this, we in American newspapering are largely guilty of one great crime. Aside from a very, very few papers, none of us has done any-

thing about the coverage of crime news. The crime of present-day crime reporting is that it is basically the same kind of job we were doing twenty-five and thirty years ago—and it was a rotten job then.

Countless editors who make the luncheon-club circuit point with pride to the down-play of crime news in their newspapers. Oh sure, no longer is every stabbing headlined on page 1. It's on page 17. The fact that we have a smaller head on the story and let the make-up editor place it on an inside page is treated as if this were some great journalistic advance. The truth is that in most instances we haven't changed anything except the placement of the story.

These same hacks who were once unlettered copyboys are now unlettered police reporters. And they wouldn't understand what a good city editor meant if he said he wanted some significant police reporting.

Bright as they are and perceptive as they are, American newspaper editors have paid so little attention to the problem of crime news—and crime costs the nation something like \$22 billion annually—that they reflect a fascinating ambivalence toward the whole subject.

Just for example, let us take newspaper treatment of the policeman.

One day, he may be portrayed as a brutal grafter, afflicted with all the vices and vicious attitudes which society deplores.

Another day, however, and the newspaper is depicting the American police officer as the noblest Roman of them all—an underpaid idealist sticking on the job in the face of adversity to protect little children and old ladies from the onslaughts of a savage society. I suppose it is in this mood

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that our newspapers tend to take the reports of policemen at face value. In many situations, if a man is arrested and the police report him guilty of a crime, the story is published in such a manner as to cast little doubt on the accuracy of the report. Often it goes one step further: it almost says that, since the guilt is obvious, there is little need for a trial, that the judicial process is some kind of superfluous formality.

Edward R. Murrow focused the television spotlight early in March on just such a shortcoming. The performance of some of the New York newspapers in the case in question was so shabby that one fellow newsman told me he sat through the Murrow show in dismay and embarrassment over being a part of a profession that can stoop so low.

I might add that lawyers everywhere might also shudder over the conduct of the district attorney—and police officers over the shoddy police work.

Murrow's show centered on the case of fifteen-year-old Peter Manceri, charged with the murder of an old man in Highland Park, Brooklyn. The old man had been attacked and stamped to death. He gave a statement to police before he died. But it was suppressed by both the police and the district attorney. The statement alone should have been enough to give the law enforcement officials pause as to whether they had the right young man.

The press knew nothing of this statement. Nevertheless, the handling of the story by the majority of the New York newspapers reflected nothing so much as the old-fashioned, irresponsible baying for a villain with no checking visible anywhere.

Headlines referred to the boy as a

"young hoodlum" and as a "young killer." Any check of the boy's record would have disclosed that he had never been arrested before. His school record was a clear one. He denied any involvement in the killing, but of the six newspapers under study, only three bothered to carry his denial.

In a preliminary hearing, the boy was released on \$5,000 bail, whereupon one newspaper promptly attacked the judge in an editorial for releasing "this vicious killer." Under such pressure, bail was revoked and the boy was returned to jail.

The drumfire of news coverage was concentrated on what the district attorney had to say. The newspaper reporters did not make any attempt to seek out balancing comment. The Manceri family was the target of a steady stream of crank letters and crank telephone calls. But not a word of this in the newspapers. Fifteen-year-old Peter Manceri was still a vicious killer. Reporters made no attempt to talk with the boy or with his family.

The reporting during the trial covered only the sensational aspects. It failed notably to bring out facts favorable to the boy.

In the trial the only evidence against the boy was the testimony of the thirteen-year-old girl with whom he had been in the park on the night of the murder. The girl cheerfully admitted that it had been her ambition to be the "star witness" in a big trial. The suppressed statement by the victim finally came out: the old man had said that "two big boys" had jumped him. And this was known to the district attorney and the police all along.

The boy was quickly found not guilty. One newspaper didn't even

bother to report the verdict. Three days later, an assistant district attorney was being quoted in the press to the effect that he was still not convinced the Manceri boy was innocent.

In short, the press came close to participating in what seems to have had all the earmarks of a railroading expedition. Edward Murrow's exposé of this episode will have been valuable only if it creates in the mind of newspaper editors the recognition that too much of our crime reporting is shallow and uncritical.

### Uncritical Use of Handouts

Few other fields of journalistic enterprise remain in which we fail so thoroughly to dig under the surface. Policemen are merely men whose judgment is as fallible as the judgment of other men. It is a disservice to them, to us, and to society to expect them to act as judges and juries and to encourage them to do so by accepting and publishing their pretrial judgments on the guilt or innocence of persons charged with crimes.

Let me illustrate what I mean by uncritical acceptance of handout material and the failure to do any kind of independent research.

The F.B.I. issues its Uniform Crime Reports periodically. Now, I have no objection whatever to these reports. I think them quite valuable in their way, and I am conscious, too, that they have improved steadily, thanks to F.B.I. pressures on the various police departments. It is not unreasonable to believe that eventually we will wind up with Uniform Crime Reports that are indeed accurate and uniform.

But let these reports hit the city desks of the various newspapers around the country and what we usually get are uncritical rewrites of the statistics. Louisville, the story

might say, has dropped from fifteenth place in car thefts to eighteenth. And it is better than Cincinnati in armed robberies. And so on.

Such stories can be labeled as cops-and-robbers nonsense. But that's too mild. They are idiotic. In no other kind of reporting would we accept such malarkey.

The important thing for Louisville is not where it rates in the national table. The important thing is how many automobile thefts were there this year, as compared to last, and to the year before that.

What our newspapers somehow seem to have overlooked is that we do not have any really uniform system of reporting crimes. For instance, one city may report as "aggravated assault" something that a neighboring city chooses to list as "domestic disputes." Some of the cities do not include joy riding as an actual car theft. Some do.

And if you are going to compare uniform crime statistics, it seems to me essential that you also compare the size of the police forces and the territory covered. One city may have 1.5 policemen for every square mile of coverage; another may have 2.6. Obviously, it makes a whale of a difference when you start to measure. Many of our newspapers, though, are just blandly digging stories out of the F.B.I. reports without ever a thought to what might really be happening in their communities.

Further, to add still another drop of venom, let me point out that there is always a strong suspicion that some cities have long cheated on their reporting methods.

### Lollipop Journalism

There is a lot more to reporting on how a police department is operating

than a figure.

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than a mere recital of arrest and traffic figures.

How long has it been since your own newspaper figured out the police department's budget per capita, the police manpower per work week, the maximum and minimum salaries, the square-mile area covered? And how many editors have had reporters study how police manpower has shrunk in ratio to every population increase about which their editorials have boasted so much?

Too many American editors—and I plead guilty to having been among the number—have for years paid entirely too much attention to the problem of getting cameras into courtrooms and not enough to the whole massive problem of crime and delinquency.

I am still for opening up courtrooms to intelligent use of the camera. But I believe that there are other things in our society equally important. If we were to give equal attention to the problems of probation and parole, to the handling of juvenile offenders, to the problems of rehabilitation, to the whole general headache of keeping our police departments modernized and getting pay scales up to the point where we could attract a higher caliber of police officer, we would be doing more of a public service than when we shed tears over some judge's refusal to let a photographer walk into his courtroom.

Let us not forget that it was the press which practically forced Canon 35 into being. The Hauptmann trial circus was a disgusting spectacle of a press operating with license instead of liberty. And we compound our journalistic felonies every time a juicy trial pops into view—like the Shepard case or the repeated difficulties

of Carole Tregoff and Dr. Finch. During the third Tregoff-Finch trial we were spared the drivel of the first two merely because the sob-sisters of the outhouse school of American journalism finally ran out of gas on this particular case.

### Basic Information Not Published

All this is bad enough. What is worse, however, is that in this glorification of a lot of bums and mediocrities, we have missed the crucial point that crime is a very common and very important kind of human behavior for which there are causes and from which there are effects.

To understand this behavior requires at least some crude understanding of the sociology of America. And it requires some understanding of the mores of American cities.

The American body politic, for one thing, has never adequately understood the immense financial loss assumed by the average citizen because of crime. A criminal is captured. He is tried and convicted. He is sent to a state reformatory. At this point, on top of all the costs that have gone before, we now have the cost of incarceration. The convict's family is forced to go on state aid. At one time, I figured that the lack of a proper probation and parole system was costing the State of Kentucky a minimum of a million dollars a year, and I believe that was a modest figure.

The American people have never really understood that our state reformatories and prisons are not much more than revolving-door jails, where men live much of their lives in useless idleness, learning only how to do the next safe-cracking more skillfully. And we compound the evil by sending youngsters who need reformation into these breeding pits of more and more

and more crime. The waste of time and money is fantastic, the waste of men's lives beyond estimate.

The federal prison system has been a model in training and education, yet the pattern has been largely ignored by the states.

If the newspapers of this country went after the basic information, they would find it is available. Education of the public would lead to public pressure for action by the state legislators. And billions can be saved in this country if we can bring into widespread use some intelligent state system of reformation in the institutions, of separate educational institutions for first offenders, of proper probation and parole techniques.

### Reporting and Public Policy

My mention of the mores of American cities was not a passing note. Do you realize the extent of the double standard of justice which prevails all through the South? In most of the South, a Negro killing is a relatively trivial incident, a white killing a major crime.

I believe the court records of almost every major Southern city will reveal two- and three-year sentences in the vast majority of Negro murder cases, and life sentences in the vast majority of white murder cases. Indeed, the killing of one Negro by another is sometimes not even considered news. The killing of a Negro by a white man may get a brief mention. But it is almost always news when a white man kills a white man, and if a white man is slain by a Negro the story is virtually a certainty to be on page 1.

This same double standard seems to apply all the way down the line so that we have a situation in which the police, the prosecutors, and the courts,

aided and abetted by the press, in effect scoff at the seriousness of crimes of violence involving Negroes, except when the crime affects a white person.

The sociology of crime has many implications in public policy. One of the principal arguments for slum clearance and low-cost public housing projects has been that slums breed crime and that decent housing inhibits crime. It may be true to a large extent, yet the police records in almost all cities will show a staggering incidence of crime among the residents of public housing developments.

This is not intended to be an argument against public housing. I am a firm believer in it. I submit that what it suggests is that society is wrong when it thinks that, merely by ripping down a slum and replacing it with a low-cost housing project, it has discharged its responsibilities and, ergo, solved all of its problems. And I submit, further, that American newspapers have misled the public when they have, by editorial arguments, suggested such an eventuality. So it is not only our reporting that has been of a sorry order. Our editorializing also has been fatuous and vapid.

In short, the crime of present-day crime reporting is that it hasn't been reporting at all.

When good reporting has been attempted, the results have been spectacular—prison reform, the impeachment of corrupt judges, the introduction of modern parole systems, exposures of tax frauds. Even on straight features, good reporting has been spectacular. One that comes to mind immediately, of course, is the late Meyer Berger's magnificent eight-column account of the mass murder in East Camden by Howard B. Unruh. It won a Pulitzer Prize for Mr. Berger.

### Top Talent Required

Earlier, I commented about the unwillingness of the average American lawyer to handle criminal cases. It is a legal trait which has resulted only in the building in most American cities of a particularly vicious racket affecting the "little men" of our society. I refer to the system by which men arrested are made victims of a conspiracy conducted by police, bondsmen, shyster lawyers, and inferior courts.

The failure of the American press to focus properly on this evil has brought about a public attitude toward the lower courts which reflects on the whole judicial system and upon the legal system itself.

And speaking of focusing means that I have come to the point where I ought to do some centering myself.

What I have been trying to do in this presentation is to make you aware of the immense scope of the problem. It may strike some as akin to the preacher giving his congregation what-for on Sunday morning for the lack of full attendance. But that is not what I am trying to do.

It is a fine thing for newspapermen to get a good grasp of criminal procedures, to gain a new knowledge of technical developments and a better understanding of the judiciary, and to learn about some of the techniques of better police reporting. It is all immensely valuable.

But in itself this will mean little unless newspaper people grasp the inspiration to do something constructive about the manner in which they are handling the whole broad issue of crime and its coverage.

The time has come when we must bring our coverage of crime and all its aspects up to the levels we have

been seeking in other forms of news information.

It is no secret in journalism that the majority of American dailies have been relying for their police coverage on the same kind of police reporter immortalized by Ben Hecht and Charles MacArthur in *The Front Page*. They are fine, hustling leg men, but coverage of the sociology of crime is a complicated assignment that requires some of the top talent we have on our newspapers.

It is no secret in journalism that much of the exaggerated emphasis on lurid crime reporting stems from the preoccupation of those newspapers in New York which have long built their circulations on sensationalism. This often results in an overloading by the wire services, both in pictures and in text. And one of the complicating factors has been the surrender of the local editing function by so many small and middle-sized dailies which have installed teletypesetter operations.

I believe it to be of the most profound ethical significance that the newspapers normally referred to by newspapermen as being the great newspapers of the country are those which have tried to recognize the things I have been stressing here. Unhappily, the list of great newspapers in this, or any other, country is never a long one.

But the list can certainly be longer than it is. And there are many newspapermen who can contribute toward lengthening the list by recognizing their function for what it is—the extension of the educational process of the reading public through constantly better communications.

The minister speaks to a few hundred. The teacher speaks to even



fewer. The newspaperman's audience is today a whole city—and often a region. Unlike his confrere in so many foreign countries, the American journalist holds a preferred position. He wields an influence greater than that of almost any other public servant.

The growth of television has been phenomenal and it is a most useful and dynamic medium. But it has not lessened the importance of the daily newspaper. Rather it has enhanced it, because television has whetted the appetite for better penetration of the issues which confront all citizens.

And few national issues are greater than the vast one of crime and its ramifications. Only now, for example, are we coming to realize the immense

importance of police philosophy, police training, and police action in the whole aggravated field of race relations. This is a story that needs responsible and sober treatment, rather than the easy oversimplifications of a cops-and-robbers view of the world.

If we are to serve our cities intelligently, as well as our states and the nation, we are going to have to devote ourselves to the task with all the seasoned skills we possess, with detachment, and yet with the passion necessary to do our jobs fully and completely.

If the American editor has indeed grown up, this is one subject on which he can prove it.

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## A Citizen Looks at Crime\*

JAMES E. FAIN

*Editor, Dayton Daily News, Dayton, Ohio*

*B.A. (Journalism), Emory University, 1941*

*The urban revolution, the social effects of the population explosion, concentration in huge cities, and the mobility of modern society all tend to make people regard themselves as insignificant and helpless. You have to understand many such things in order to think logically about social disorganization and its ugliest manifestation—crime.*

*I wonder about the four-martini expense account lunch, the lost weekend in suburbia, the divorce rate, and the indications of immorality I see in widespread cheating of the tax system. What does all this mean to crime?*

*Crime can be successfully combated only through a joining of forces by all the leadership elements who are interested in adjusting the nation to its new growth. This will involve an expansion of both public and private services. It will demand a new approach, one calling for total social planning and far more coordination than has so far been attempted.*

*It may also require new social units within the urban mass—small communities of some sort that can retain human individuality and personal responsibility.*

**F**OR me to talk to a group of judges about crime is an intimidating assignment. I am the sort of person who can't pass a traffic cop on the way to work without worrying. My instinct in dealing with authority is one of overwhelming guilt. To try to lecture you in your own field completely overwhelms me.

I am bolstered only by the knowledge that you expect little from me. My guess is that in assigning this subject to a layman you are interested

only in measuring my ignorance. In that sort of guinea pig role I hope to provide you a useful specimen.

Crime, I suppose, is a reflection in a dirty and distorted mirror of the society in which we live. If we are to look at it usefully, I think we have to look beyond the statistics and try to understand the society itself.

We are living in a time of enormous ferment. It is an upheaval that can conservatively be described as an explosion. The changes are in many more dimensions than the physical but we tend to think of them most often in physical terms. The reason is that we are literal-minded and are

\* Address at annual meeting of NCCD Advisory Council of Judges, Oklahoma City, May 6, 1961.

more comfortable when we are dealing with hard facts.

Four main currents are shaping society's current physical change. One is the population explosion, which is dramatically altering the dimensions of the human race. Another is the concentration of people into urban regions. A third is the diffusion of these people out of the old city cores into large urban areas that spread across huge land segments. The fourth is the fluidity of peoples moving into these urban regions or moving from one to the other.

The statistics of this demographic development are familiar to everyone who worries about such problems. The physical dimensions are easy to see. They are a new urbia which spreads before your eyes whenever you fly—the linear city extending from Boston to Alexandria, Va.; the stretch of city along the northern tier of states from Buffalo to Cleveland to Chicago to Milwaukee on the Lakes; the region between Los Angeles and San Francisco. These will continue to grow. A large part of the land mass will be taken up with the geometric housing plats that spell city in one form or another. Almost all of our burgeoning population will live in these regions.

Within them, people will be extremely mobile. Fluidity and change will be the way of life. Human beings will be in almost constant motion.

The entire process will continue the depersonalization of human beings that seems to have been going on since about the start of World War II. It is a process that makes people faceless, that strips people of identity and makes them ciphers. It is a system that strips individuals of individuality.

I have been reading an interesting book on the history of the city by Lewis Mumford. He points out that the logistics of keeping urban populations alive prevented the ancient Greek cities from getting too large. Even Athens, in its most creative period, never exceeded 80,000 to 100,000, he says. That size was a little inflated and necessitated a more warlike attitude than would have been ideal.

Most Greek cities colonized to set up new cities rather than letting themselves expand beyond a size in which they were in proper economic balance with the surrounding countryside.

As a consequence, according to Mr. Mumford, they never got so unwieldy that man's physical apparatus overwhelmed his personality. Indeed, Mr. Mumford believes that the glories of ancient Greece resulted entirely from the philosophical and intellectual development that was made possible by the communication and human contact of cities without the depersonalizing of too much growth. He points out that the buildings were not really so impressive.

The ancient world had what the nuclear physicists call an implosion, Mr. Mumford says. The ancients made the city into a world. Today the process is reversed. We have explosion. We are making the world into a city.

### Faceless Living

While this physical growth is going on, a new technology is changing men's jobs, their homes, and almost everything that constitutes their environment. Automation is replacing many workers entirely and is tending to narrow the process of decision-making so that many others are left with roles they consider routine.

While this process accelerates, the cold war confronts everybody with a juggernaut of destiny that seems to make the individual powerless, that seems to cast all of us in the role of pawns.

The total effect of these things is to make people think of themselves as insignificant and helpless. There is nothing more frustrating or defeating to the human ego.

Sociologists are inclined to say that crime is a factor of environment. Psychiatrists say it grows out of human frustration. If I had to choose, I would operate out of ignorance and side with the sociologist. It isn't necessary to choose. The sort of environment that breeds crime is with us in abundance. The frustration goes without saying.

Along with the facelessness of corporate or urban living, we have the homogeneity of the suburbs, the tensions that go with heavily organized corporate life, and the new leisure of the five-day week which we have developed without giving much thought to what we were going to do with it.

You cannot really think usefully about the urban revolution of our times without thinking of it in the human dimension.

One of the most discussed symptoms of the current revolution is population explosion. It is a fascinating device for playing the numbers game. If that sort of exercise intrigues you, you can project the present 1.8 per cent annual gain in people and find that in 700 years you will have one person for every square foot of the earth's surface.

To me, a more interesting number to note is this: one out of every twenty people who ever lived is now alive. I have heard of a college student who,

on discovering that fact, changed his major from history to political science.

If you try to think in terms of intellect, of joy, of pain, of creativity, of inspiration—and apply a quantitative yardstick to these—you get a different perspective on population explosion. What is the mass of human sorrow, of human happiness? How big is a joy multiplied by two billion or three or four? What good are numbers in establishing the answer?

Or look at the technological explosion. Let us try, for a moment, to think of it in some other terms than the familiar miles per hour or light years of distance or even number of polio cases presumably prevented.

One way to think of the technological explosion is to realize that one out of every two scientists who have ever lived is now alive. Another way is to visit a senior citizens' center and listen to a song sung by all those cracked old voices. The song you hear could never have been sounded without the things that have happened to medicine in the last forty years.

### Human Side

What I am trying to say, I guess, is that there is a measure of poetry, of music, of emotion, of thought, of love, and of hate in humanity and that these measures are ones we seldom think about and almost never talk about when we get together to pore over our capital "P" Problems.

Yet when any of us has that rare instant in which to weigh himself against his hopes or to count the things that make his existence worthwhile, when he reaches that occasional moment of truth in which he must face the inevitability of his own ultimate death, statistics and curving plats of ranch-type houses in the \$20,000 to \$25,000 bracket don't enter his mind.

You have to understand the migrant waves that pour in on the cities, the emotional pressure cookers of the slums, the desperate tensions of poverty—you have to understand many such things in order to think logically about social disorganization and its ugliest manifestation: crime.

As a lay citizen, knowing practically nothing about what you are doing, avoiding courts at any cost as long as I am permitted to forfeit bond, I see some symptoms that indicate to me some widespread breakdowns of the value system that seem to result from the urban revolution.

As an old toper who fights a Methodist upbringing, I wonder about the four-martini expense account lunch, the lost weekend in suburbia, the divorce rate, and the indications of immorality I see in widespread cheating of the tax system.

I ask myself what all this means to crime. I find no satisfactory answers. Yet it seems to me in my wholly unscientific research through the newspapers that I read more about wanton violence. The phenomenon of the sadistic attack on the total stranger who has given no offense is, so far as I know, recent. The gang that beats up the single youngster, often provoking the fight and leaving the victim dead or near death; the sudden casual stabbing of the stranger in the park—these, it seems to me, bespeak a sort of sickness that has not always been present in society.

I don't know how important they are. Most things are precedented. We have always had sordid troubles. Maybe this wanton violence is replacing something equally bad. But I doubt it. I'm afraid it may be symptomatic of some new problems.

My guess is that the rising incidence of juvenile delinquency and of most adult crime also cannot be explained entirely by the population increase or by the improvement of statistical reporting. My guess is that crime is on the increase.

### Public Acceptance of Crime

I wonder about a situation in which movie stars find their attraction—and thus their commercial value—enhanced when they get into trouble. Robert Mitchum, if you recall, was a forerunner in this regard. When he was discovered to be using dope, many people thought he was in trouble as a Hollywood attraction. It turned out to be just the opposite.

Fatty Arbuckle got himself into trouble too, but it ruined his career.

Miss Bergman's problems are her own. A very casual reading to me indicates that Mr. Rosellini was his own punishment. But none of these difficulties prevented the advertising of *Stromboli* as a passionate island and its subsequent success at the box office.

There seems to be a general acceptance of those public figures whose lives have become tangled in crime. No longer are they driven from fame because of the sordidness of their private lives. Instead, it seems to give them extra power at the box office.

Tax gouging is a way of life. Perhaps you cannot operate a high tax system without it, but I like to think you can, particularly if your survival depends on expensive national defense. We have the spectacle of the TV quiz show fix, of hoodlums who rule parks, of teachers who find it necessary to frisk pupils on their way to class. Our basketball players are shaving points, our doctors are split-

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ting fees, and our missile base construction workers are slowing down so they can build up to \$500 a week in overtime.

You hardly know what to think of price fixing when identical bids keep coming in from companies whose executives already are in jail for making price-fixing arrangements.

If it is true that these symptoms show we are in trouble, then what can be done about it?

Out of a really impressive ignorance, I can speak with considerable conviction. Nothing is as harmful to a certitude of belief as information.

I read somewhere that you can change crime only if you change society. If that is so, we may as well face up to the fact that social improvement involves, among other things, a total look at the way of life, at the sort of things that are happening to us in the new urban patterns of living. It involves trying to understand the human equation along with the physical changes.

How, for instance, do we retain individuality in the new mass of urban life or the new compression of people? How do we keep man's personality and creativity, as the ancient Greeks did, from being submerged in the material bric-a-brac he has created?

One way may be in the development of neighborhood identities, of organizations within neighborhoods, of a neighborhood way of life to replace the old village.

### Individual Restored

The restoration of individual responsibility is vital. It may have to come through new groupings of people within urban masses. We have not yet harnessed modern communication

to the problem of keeping up with the fluidity of peoples. If we all move quickly these days, we have the means of adjusting to the changes. We have the means of organizing social units that will meet the pace of movement and change.

Given the right sort of leadership, this may be the way to re-establish individual responsibility. Somebody is going to have to shoot down Freud at the same time. The whole psychiatric kick of assuming that a man may be pardoned for killing his neighbor on the ground that his mother didn't love him and he had two beers, thus blacking out, is a psychiatric fiction that has done us a great deal of harm. The sort of responsibility that goes with group identity in small units carries hope for successfully opposing the irresponsibility of human mass.

We also may as well face up to the idea that social work involves a great deal more than the razing of slums or the creation of hygienic housing units. The sort of social work that is needed would concern itself with locating leadership resources and mobilizing the strength of neighborhoods around them. This is now being recognized, for the first time, within the social planning field.

Once that is done, the neighborhood can work from a diagnosis of its own needs into a demand for integrated help from all the resources the metropolitan community can afford. For a long time now, the thing has worked from the top down instead of from the need up. That is why so many social work resources have been frittered away in fragmented effort.

We need good, common-sense coordinators (I hate the word and wish

someone would supply a better one) for our housing projects and in our urban renewal areas. We need people who can diagnose problems and get the right resources to these problems quickly. Social work would be much more effective if it were properly used and the morale of social workers would go up enormously. A major part of the effort now is wasted.

Beyond the legions of trained social workers, however, there are many resources that can be used in neighborhood improvement. We used to upgrade people by the example of neighbors and the helpfulness of good people in the neighborhood, whether just across the back fence, in the church circle, or in the local garden club. One of the big needs is to develop neighborhood leadership. That is the way to infect people in the neighborhood with the desire and the know-how to improve their way of living. The absence of neighborly assistance is one of the tragic losses of the new urbia.

### Total Approach

Once we add it to today's neighborhoods and develop an integrated approach to organized social work, many things might become possible. For one thing, perhaps some concrete steps could be taken in the area of juvenile delinquency prevention.

We all have been talking about this for years but nothing really has been done. You still spot a youngster at eight or nine years old, through his behavior cards at school, and know that ultimately he is going to be in a juvenile court. Later on, of course, he will be in a criminal court and in the penitentiary. After all the talk about juvenile delinquency preven-

tion, nothing yet is being done to stop this Greek tragedy from unfolding.

If a total approach can be mounted, concentrating first on developing a demand out of neighborhood needs, then I think the pattern will be clear.

In order to complete the job, we may as well face up to the fact that great effort will be needed and that this will cost money. Tax resistance, which makes it very difficult now to push ahead with badly needed programs—with such things as foster care, which would ultimately save society a great deal of money—is an evil that can be overcome only by energetic and courageous action. Too many people in your business and mine are defensive in this regard. We are afraid to say what we know is true because it is unpopular. The sooner a great many of us get together and begin trying to sell necessary public programs in the same determined and skillful way that advertisers merchandise their products, the sooner something can be done.

I have talked about several aspects of social disorganization, as a layman sees them, without getting to the point where an offender comes before you in court. The reason is that I think, and I am sure you agree, it is almost too late by the time this man comes to your attention.

It is to your everlasting credit that you do not give up on him, however. You have been powerful forces in arguing that we ought to have a truly correctional philosophy in our penal system.

We ought. There is no need to be apologetic about it at all. Vengeance is not the solution of mankind's problem. It solves absolutely nothing to work on a theory of retribution.

### Role of the Judge

The basic good sense of the thesis that you protect society best and most economically through fitting the punishment—or better the treatment—to the criminal, not the crime, is unanswerable.

The fact that this philosophy sometimes runs counter to public emotion should never deter anyone from shouting it from the rooftops. You never apologize for being right, even when it is temporarily unpopular.

I think that you would do better in this regard if you learned to trust people more. There is something about the confidentiality of the legal profession that carries over to judges. You often are so timid in your contacts with the public that you lose all the advantages of your moral position. I think it would be much better to sing out loud and clear what you think about correction.

I also think you might well dispose of any jealousy or differences between your business and the social work business. I know something about social workers. I get pretty frustrated by them. In particular, they seem irksome when they insist on limiting what they are doing to a small group of clients because they think it is better to help a few a great deal than to help a great many a little.

Still, you need them and they need you. You have no real substitute for their skills. They have no substitute for the field you can lay before them.

As a matter of fact, you will have to join forces with many constructive elements in society if we are to get anywhere in a total war on crime. The educators, the preachers, the social workers—all want to go in the

same direction. But a major effort is needed.

Crime is a nasty subject. People do not like to think about it. They do not like to be confronted with its cost, either in dollars or in human terms.

You have a singular trust, I think, to make people think about crime, to make people understand it in all its ramifications, to stimulate people to do something about it.

I don't have to underline to you the importance of improving society and thus diminishing crime. You know its social, its economic, its human cost. You understand, too, that our salvation ultimately depends on the perfection of democracy, that this is more likely to decide the outcome of the cold war than anything now happening in Cuba or Laos.

### Hopeful Signs

I think there are forces at work in our society that are hopeful signs. Manifestations of mass mental disorder always appear at the end of every war. The postwar period now is phasing out. A new generation is coming along to replace the World War II group. It is an interesting group, more serious, more sober, than any other generation this country has seen in many years.

I don't profess to understand it. I have a massive distrust of anybody who professes to understand youngsters. But I see hopeful signs in it. I think I see an interesting idealism, more tempered by intellectual maturity than some in the past.

It is a generation spawned in the odd togetherness that came after World War II—in the new suburbia, the large families, the television sets and the nights at home.

Many things seem wrong to me about that sort of social environment, but if you think it over many things are right about it too. Family circles have been re-established within the ranch-type suburbia. People may have withdrawn almost too much from their jobs into these new home lives. But there is a pendulum that always seems to swing in human affairs. Maybe these enormous cocoons we have spun around the television sets are going to produce some worthwhile moths.

There is an interesting yeast in the generation moving now toward the college campuses, a gravity, an inten-

sity, a changing set of values but not necessarily an inferior one.

Today could offer a first-rate opportunity for adjusting the new urbia to changed living patterns and new social institutions. If so, the direction of history might be very favorable.

There are enough straws in the wind to justify hope, certainly enough to make sustained effort worthwhile, enough to stimulate creative thinking, to make a case for expensive research.

If we can come through this transition intelligently and find ways of keeping the peace, the new abundance of modern life will open new vistas of fulfillment for us all.

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# An Experiment in Group Counseling with Juvenile Parolees\*

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*A juvenile parolee most often returns to the same environment that initially gave rise to his delinquent behavior. Efforts to modify this environment, particularly the family, are often futile. Therefore, an effort was made to modify the youth's perception of his environment through the manipulation of his peer group.*

*The program of group counseling and the underlying assumptions are discussed, and certain of the techniques employed are described. Among these are role-playing, individual counseling, and actual instruction and practice in specific aspects of social interaction.*

*This experiment suggests that parolees respond positively to this type of group counseling and that the use of the group facilitates the process of modifying the youths' attitudes and behavior.*

THE most effective juvenile rehabilitation programs recognize the desirability of effecting changes in the family of the delinquent youth. When such efforts are successful the youth does not re-enter the same emotional and social environment that initially contributed to his delinquent behavior. All too often, unfortunately, efforts to bring about such changes are futile, and the returning youth is again subjected to circumstances which minimize the

possibility of his making a favorable adjustment. The parole counselor charged with supervising such cases must, therefore, focus his attention on the youth, with the hope of modifying his perception of his otherwise deleterious environment. He must help the youth develop a new self-image—one that will enable him not only to understand and cope with his home and immediate environment, but also to interact with greater ease outside of this environment.

Several distinct, though related, methods are commonly employed to bring about such changes. One means for developing the necessary self-awareness and insight is to enter the

\* Presented to the quarterly staff institute of the Washington State Bureau of Juvenile Rehabilitation, Department of Institutions, when the author was employed as a parole counselor in the Bureau.



youth into a program of psychotherapy where the emphasis is placed upon the psychiatrist's delving deeply into the basic life experiences that contributed to the youth's present state. A second method, perhaps more in keeping with the limitations of a parole staff, is that of individual counseling, where the emphasis is placed upon problems of a more immediate nature. Here the early childhood experiences which contributed to the development of current problems are given less attention. A third method, one with which we shall be concerned here, is that of group counseling. In this approach we are still concerned with the problems of the counselor working with the individual, but we use the medium of the group to facilitate our efforts.<sup>1</sup>

### The Juvenile Offender

In developing this program of treatment I have made certain assumptions about the juveniles in question:

First, I have assumed that the majority of the youths coming under the supervision of a parole counselor have, as one of the major problems contributing to their norm-violating behavior, an inability to interact comfortably with adults, with certain other juveniles, and, indeed, in some instances, with anyone.

I further assume that, in many instances, this condition has come about largely because they have not been instructed in, or exposed to, consciously or otherwise, the values

and expectations of the larger community.

One can list a number of conditions in current American society which would account for this. For example, as we move from one region of the country to another, from one ethnic group to another, from one socio-economic class to another, we find wide variations in the role-expectations of family members, and perhaps even more variability in child-rearing practices in general. As they move through various stages of development, youths are rarely certain about what is expected of them. They are faced not only with a wide variety of notions on what is considered acceptable behavior among early adolescents, teen-agers, and young adults, but also with considerable ambiguity as to which of these groups they should identify with. We find that society allows physically mature youths to act as adults in some ways—e.g., by owning and driving automobiles or joining the armed services—but still regards them as children in other ways—e.g., by requiring them to attend school and excluding them from the labor market. They are pushed to become independent, yet are not allowed to emancipate themselves, and there are no traditional paths along which they can move to this goal. Parents, too, contribute to the frustrations and conflicts. Caught up in the myth that any child—especially their own—can become president, that equal opportunities exist for all, that success is measured in terms of dollars, they fail to prepare their children to live lives which are consistent with their means and capabilities. Add to this the fact of an extremely mobile population, one that is overly self-con-

<sup>1</sup> We should perhaps distinguish here between *group psychotherapy*, where the group leader's goals are implemented in a manner not unlike that of the psychiatrist working with an individual, and *group sociotherapy*, or *counseling*, where the goals of the leader are similar to those of the counselor as described above.

scious about its social problems and lacks confidence in its ability to adjust to changing conditions, and we begin to get a picture of the society to which our youths must adapt.

Numerous other examples of the ambiguity and conflict faced by today's youths and adults are familiar to all of us. Equally familiar are some of the adaptations they have made. Our concern, however, is with the youths who have not adapted successfully, particularly those whose problems stem not so much from personality disorders, but rather from conflicts arising out of their adaptation to, and identification with, a subgroup whose values and attitudes differ from those held by the majority of society. This group of youths, commonly described as delinquently oriented, have apparently been unable to adjust to a set of seemingly ambiguous values offered by society, and have instead developed their own sets of values. Most of these boys are, or feel they are, isolated, in many instances from their families and most often from the community. Their security and identificational needs are for the most part satisfied, if at all, within their peer group. (And, because of the limited experience of its membership, the group appears as a satirical caricature of American society). Their system of values and attitudes, their goals, and the motivation for achieving these goals are primarily derived from this group. Within limits, this is a characteristic of all teen-agers in our society, but it appears to be more important among the delinquent population. Recognizing the importance of the group in the security system of these boys, I have attempted through various principles of group dynamics to

exploit their relationship and dependence upon their peer groups in order to bring about changes in their attitudes and behavior.

### The Program

Many authors have pointed out that learning situations intended to stimulate inquiry, produce changes in attitude and behavior, and enhance the assimilation of information should include, among others, the following elements:

1. *Involvement* of the youth in a learning task which impresses him with the fact that the satisfaction of his own needs rests on his mastery of a job.

2. *Experimentation* with, and practice of, new behavior in a permissive setting where failure is not penalized.

3. *Emotional support* for the youth as he goes through the difficult process of discarding old modes of thought and behavior and tries to learn new unfamiliar ones.

4. *Feedback* to guide the youth by giving him information along the way as to how well he is doing.

In this program the counselor is required to provide the boys with factual information and to help them assimilate it in a meaningful and useful way. He must see that the boys get information, learn practices and techniques, develop a commitment to action, identify with the role of the nondelinquent, and, finally, become launched on a widening inquiry which will give impetus to a continuing favorable adjustment.

The juvenile parole program within which this experiment in group counseling took place is closely linked with the institutions where the youths were held prior to parole. Indeed, the

parole counselor is assigned the case at the time the youth is committed to an institution, and he works closely with the boy and his caseworker during the institutional period. As a consequence, the parole counselor and the youth have established a working relationship by the time of release from the institution. During the parole period the parole counselor sees the boy as frequently as necessary; his efforts are directed toward carrying on the treatment and rehabilitation program in the setting of the community.

It was in this context that the group counseling program was undertaken.

I shall attempt to present some examples of the techniques I have employed with one of the groups that remained intact over a period of weeks. Essentially, I conceive of the process as continuing and composed of three aspects: (1) gaining information, (2) providing information, and (3) suggesting and structuring situations in which the boys can test and integrate the information and skills they have obtained.

At the outset I select a group of boys who are acquainted with one another—preferably companions who spend a good deal of time together. These I refer to as *natural groups*, as opposed to artificial groups set up on the basis of age, intelligence, or type of delinquency. These natural groups are formed by boys who, because of proximity or ethnic identification, have come to know each other prior to their institutionalization, or by boys who, after meeting in an institution, continue their friendship following their release. The group I have in mind was composed of not only parolees but their friends who, because of chance, cunning, or marginal in-

volvement, had not as yet come to the attention of the juvenile court.

The oldest member, Richard, a seventeen-year-old boy of Mexican descent, had been committed to the Department of Institutions for continual involvement in auto theft, and was transferred from the Diagnostic Center to a forestry camp, where he spent ten months, after which he was paroled to his mother.

Another member of the group is Daniel, age sixteen, who spent eleven months in the State Training School after being committed to the Department of Institutions for auto theft. Daniel was paroled to his father and mother; like Richard, he faced an adjustment problem in living with parents whose ethnic and cultural background is quite different from typical American culture.

The third parolee in the group, Avalino, a Filipino boy, also sixteen years old and a graduate of the State Training School, was paroled to his mother after spending eleven months in the institution on an auto theft charge.

About two other members, Claude and Jim, neither one a parolee, little information is available. Their participation was voluntary and brief, for soon after the first counseling session they found jobs and no longer attended.

Richard, Daniel, and Avalino, the three parolees, had known each other prior to their institutionalization; Daniel and Avalino, having been placed in the same institution, were able to continue their association there. On parole they continued their close association, spending most of their waking hours together. At one point during the period under discussion, Richard, with my permission,

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moved into the apartment of Avalino and his mother and remained for several weeks.

### Working with the Group

My first contact with them as a group was in the apartment of one of the boys; I had gone there after being notified that they had not appeared at school one day and were being suspended. Avalino, who answered the door, was obviously surprised and frightened, but he asked me to come in once he realized that he could not wish me away.

After I had been there for a few moments and showed I was aware that he was not alone, he signaled, and four boys filed out of the bedroom closet, obviously shaken and prepared for the worst. This was particularly true of the nonparolees, who viewed me as an ominous law enforcement officer. I made an effort to relieve them of some of their anxieties, and after they had relaxed somewhat, we discussed their truancy and other reports on their behavior I had heard that day. They all expressed some exaggerated remorse at the prospect of being suspended from school, so I suggested to the parolees that they come to my office the next day to discuss the matter. As an afterthought I mentioned, in a joking manner, that they bring along their nonparolee friends—and, much to my surprise, the following day they came, though not all at the same time.

When all of the boys had assembled, I briefly told them why I wanted to see them in a group, giving the same reasons presented above but couched in terms they could understand. They were told that their participation in such a venture was strictly voluntary. While not overjoyed,

they accepted the idea and more or less agreed that they might derive some benefits from it. At least it would be different. I did not tell them what we were going to do or talk about—only that we would discuss things they were interested in.

When I asked them what they liked to do together, they stated a preference for recreational activities such as bowling or shooting pool. Several times they made it emphatically clear that they didn't want to have anything to do with other boys. "Our group," they said flatly, "gets along just fine by itself." They also mentioned an interest in obtaining jobs to earn money to buy an automobile and start a car club.

The general atmosphere during this first session was rather relaxed and punctuated by an occasional burst of laughter. Occasionally they would make cryptic references to things about which I was unaware, and it seemed to give them a feeling of great pleasure and solidarity when I appeared mystified by their remarks.

Although it appeared at the time that few gains were made during this first session, the following things were accomplished:

First, I conveyed to them my sincere interest in their welfare as individuals and as a group.

Second, they became aware of the strength each received from the group in this type of interview situation. Two of the boys who had hardly spoken during previous occasions, when interviewed alone, were in this situation able to express themselves with little difficulty. Occasionally when one would falter or hesitate, another would complete the statement.

Finally, I began to get some idea

of the system of values and attitudes which characterized the group. This aspect of the program is extremely important for, as I suggested earlier, it is this complex of beliefs that underlies and gives direction to the behavior of the boys. And, it is this set of values that we set out to modify. We often make the mistake of assuming that we know their values, or that there is a system of values common to all teen-agers or all delinquents. In each instance, we must seek to learn and understand the values that characterize the particular group with which we are working.

During subsequent sessions I continued—subtly and sometimes more obviously—to press the group into stating their attitudes on or about various topics. This provided me with information and made explicit to the boys themselves some of the tacit values and attitudes they had assumed were common to all of them.

For example, during one of the sessions, one of the boys mentioned that he had witnessed a hit-and-run auto accident the day before. I asked whether he planned to report it to the police. "What? Me go to the police? Man, you must be crazy." I asked him why he felt that way about reporting an injury caused by a hit-and-run driver. His reply was, "Man, I ain't gonna rat on nobody. What he does is *his* business." The discussion then turned to responsibility—his responsibility as a citizen to the other members of the community (something which at the time was beyond his grasp) and his responsibility to his friends in the group. In an effort to draw a distinction between "ratting" and "non-ratting" we pursued this topic for some time. Using Richard's friend, Avalino, as an example, we discussed

various situations in which it would be appropriate to interfere or to inform others of his behavior. Richard felt some responsibility for his friend, but insisted that what Avalino did or wanted to do was his own business. He agreed that he would pull Avalino out of the path of a car in a cross walk, but he would not inform authorities or any other interested person if Avalino were to engage in some equally dangerous enterprise such as dope addiction. I continued to raise hypothetical situations of varying degrees of seriousness, and we discussed their responsibilities to each other and to themselves in each instance. As we went on, one point became increasingly clear both to me and to the group: Although they stressed independence and lack of interference with individual group members, as a group they exerted a great deal of pressure on the members to conform to the group's values. No one was likely to deviate greatly from these standards and remain a member of the group.

### Insight through Role-Playing

Another technique utilized during these counseling sessions is that of role-playing or sociodrama, through which I hoped to give the boys an opportunity to learn something about their behavior and expectations in various social situations. Also, I thought, by acting out my role on occasion they might develop some notions about how adults in general, and parole counselors in particular, view juveniles and delinquents.

In carrying out this procedure I exploited any likely situation or topic that presented itself. For example, Dan and Richard came into the office one day and remarked that they had

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been out looking for a job. They were somewhat dejected and discouraged because no one had hired them. We began to discuss the various kinds of places where they had inquired, what they had said and done, and finally I said, "Show me." This remark was met with laughter and some discomfort, but they agreed.

The office in which the interview took place was furnished with two desks, two executive chairs, and several straight-backed chairs. I asked Richard to sit in an executive chair behind the unoccupied desk, and asked Dan to go out of the office, close the door, and then knock and come in to apply for a job. This he did. The first couple of times he came into the room he was overcome with laughter and had to try again, but finally he was able to get as far as sitting across the desk from me. He sat there squirming, unable to complete a sentence, looking at the floor, fiddling with a cigarette lighter; eventually he was able to make it clear that he was looking for a job. Meanwhile, Richard, sitting behind the other desk, was observing the scene with interest, and when it was over he commented on Dan's efforts. We discussed some of the things that needed improvement. Then, in an effort to encourage them and to give Dan a picture of himself and the role of an employer, I placed him behind my desk and took his former role, imitating the behavior he had exhibited. This brought forth much laughter, but he got the point. Richard then took his turn, with Dan sitting behind the desk. He went out of the room, knocked on the door, and then in a very serious and confident manner went through the procedure. We then discussed his performance, contrasting it with Dan's.

### Working with the Individual

In individual counseling of the boys between group sessions, sometimes we talk about personal problems the boy might be having; most often we discuss his relationship to the other members of the group. One day Richard, the oldest member of the group, came in unexpectedly to tell me he had found a job. He was quite excited and in high spirits. We talked about it for a while and then I asked how things were going with the group. He remarked, "Oh, *those* guys. I don't hang around with them anymore. I got more important things to do. I've changed—the way I talk, the way I dress, the way I comb my hair. I know what the score is." I asked what had brought this about. He replied, "I sat down and thought, I wasn't doing myself any good." He went on to talk about his job again. I praised him and with some humility he said, "I guess I've been trying a little harder lately." I then talked with him about some of the reactions he might anticipate from his friends as he began to emancipate himself from the group. I explained that it was inevitable that they would begin to reject him and that this was a natural and necessary thing for the group to do in an effort to maintain itself. He said that he had begun to feel these pressures and was somewhat relieved to find they were to be expected.

In both the group and the individual counseling sessions, we give suggestions about and actual instruction in ways of dressing and behaving in order to get desired responses from people. I mentioned above that many of the boys have difficulty interacting with people simply because they have not learned, or been exposed to, socially acceptable means of eliciting

the responses they want; they are, at least, insensitive to the cues others provide them. Hence, the instruction and suggestion. Generally, we discuss various kinds of situations in which the boys have trouble interacting. Most often these involve teachers, parents, policemen, prospective employers—in general, adults. In each of these situations we discuss the expectations of both the boy and the person with whom he is interacting. We practice such simple things as shaking hands, looking a person directly in the eyes while speaking to him, and erect sitting, standing, and walking. This may appear to be a superficial emphasis; actually, certain gestures and mannerisms serve to elicit positive responses from others, thereby contributing to the development of a new self-concept. The boys appear to enjoy it and, indeed, give evidence of having practiced during the periods they are away from the office.

In an effort to re-enforce these steps toward acceptable behavior, I have asked the receptionists to address the boys as "Mr." when they arrive for their appointments showing that they have given some special attention to their personal appearance. This may range from having their hair combed or cut to wearing a clean shirt and tie. At such times, occasionally, I take them out for coffee and, instead of talking about personal problems, we try to engage in casual conversation, like other occupants of the restaurant. This appears to have had some positive effect, for recently two of the boys

came sauntering into the restaurant where the staff was having coffee and greeted us casually as they took seats at a table across the room. This is something they would not have been able to do some weeks ago.

A review of my experiences with this approach suggests a numbers of advantages it offers for the parole counselor. First, the group encourages and facilitates the honest expression of its members' thoughts and feelings. Through this they discover shared experiences and reactions, leading to increased feelings of closeness from which they derive strength. Moreover, the group can be guided into developing standards which encourage each member to experiment with different ways of behaving and thinking about a problem. Through experimentation facilitated and formalized by role-playing, each learns to contribute to the group most effectively and to develop his own potentialities. In view of the tendency for caseloads to be excessive, one should not neglect the obvious advantage of being able to spend more time with clients in groups. Finally, I should like to call attention to one factor which I have not been able to describe. That is the impact of my own personality on the group. Unquestionably it enters into the program, but without an objective observer it is difficult to estimate the extent to which the group's development, whether favorable or unfavorable, is a consequence of the worker or of the approach.

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# The Juvenile Court's Administrative Responsibilities\*

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*The question of administrative responsibilities of juvenile courts has been the subject of discussion by both judges and laymen for many years. While there is considerable variance in practice among the states, the consensus would appear to favor administrative control by the judge of those functions directly related to the judicial process—namely, prehearing investigation and probation supervision—and social agency control of non-judicial functions, such as protective services and delinquency prevention. The juvenile court judge must strive to balance the legal, administrative, and social aspects of his court, so that it will fulfill the purpose for which it was created.*

EVERY judge, upon taking office, dreams of sitting on the bench with Olympian detachment and rendering wise and just decisions which will be universally accepted and respected. Fortunately, or unfortunately, depending upon the point of view, this dream seldom, if ever, becomes a reality; especially if the judge presides over a juvenile court, the dream is a far cry from the situation in which he finds himself. Depending on the state in which he serves, his responsibility may include administration of a wide variety of social services, ranging from a probation staff and a detention home to child welfare and protective services.

For many years, the question of the proper division of these responsibilities

ties between the court and the social agencies has been the subject of discussion by many of the prominent judges and laymen in this field. Judge Harry L. Eastman, widely recognized as the "dean of juvenile court judges" until his retirement last year, said:

I believe the time is near when the responsibilities of the court and the administrative agencies will be clearly defined. When that happens the judge will be on the bench and the technicians in their clinics, each doing his own job in fruitful collaboration with the other and neither trying to usurp the functions of the other.<sup>1</sup>

Unhappily, Judge Eastman does not, in his article, make such a definition, and I have not been able to find it elsewhere. I have no illusions that, in the short span of this article, I shall

\* From a paper read at the Institute on Philosophy and Concepts of the Juvenile Court at the University of Wisconsin, January 18, 1961.

<sup>1</sup> Harry L. Eastman, "The Juvenile Court Judge's Job," NPPA JOURNAL, Oct., 1957, p. 422.

be able to give a complete answer to this rather complex and disputed question. The best I can do is to add one more viewpoint to an already confused situation.

Judge Eastman states: "The chief requirement of a juvenile court judge is that he be a judge."<sup>2</sup>

Certainly no one can quarrel with the proposition that the judicial function of the judge is of primary importance; without that prominence, there would be no court at all. However, it does not necessarily follow that the judge should have no other, or secondary, functions, such as the administration of phases of the program incidental to the principal purpose of the court. This does not mean that he must be qualified in every field represented on the court staff. If he is a good executive, most of the administrative duties should be delegated. As a member of the Naval Reserve, I cannot refrain from drawing an analogy with the captain of a naval vessel. The captain is usually not trained as an engineering officer, or a supply officer, but he must be sufficiently familiar with the operation of the engineering and supply departments to supervise the work of the officers in charge. Furthermore, if there is a failure in any department, the captain must bear the responsibility. Similarly, the judge must be willing to accept the responsibility for failure on the part of members of his staff to whom he has delegated some of his administrative duties.

The fact that the juvenile court must have such administrative functions was recognized by Dean Roscoe Pound:

The juvenile court as a means of dealing with juvenile delinquency is better adapted

<sup>2</sup> *Ibid.*, p. 414.

than a purely administrative agency to keep the balance between justice and security. . . .

Because the juvenile court is a court of equity with this strong development of the administrative side of equity jurisdiction, it is important for us to remember that it is a court, employing administrative machinery for its purposes, but still a court, not an administrative agency with certain incidental judicial powers. We must insist on this because the objectives are so clearly set out that zeal to attain them, as often happens in the case of administrative boards and commissions, may lead to seeing those objectives only and ignoring interests which are recognized by law as deserving of protection and may even be secured by constitutional guarantees.<sup>3</sup>

### Probation's Administrative Problems

Thirty years ago Charles L. Chute stated:

Probation has developed as an integral part of court work, not as an outside agency, like the institution to which offenders are committed. There are arguments for and against divorcing the probation service from the courts. There are the values of local autonomy and interest to be considered. The local officials who provide for the court's budget and above all the judge himself need the educational, social influence of the probation department, especially effective when it is the probation department of their own particular court. So long as the courts have the duty of judging, not solely or perhaps primarily as to the facts of offenses committed, but as to the causes and responsibility for those acts, and so long as they must decide upon treatment they should be, and they must be, if they are to dispense justice, themselves a part of the social plan. As courts are constituted today

<sup>3</sup> Roscoe Pound, "The Juvenile Court and the Law," NPA Yearbook, *Cooperation in Crime Control*, 1944, pp. 15, 17-18.

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the granting of probation must be a function of the court; it cannot be separated from it. So it has been argued, the probation worker should be an officer of the court and an appointee of the judge.<sup>4</sup>

Another outstanding juvenile court judge, the late Gustav L. Schramm, said:

In a juvenile court where individual treatment is the basis, probation is fundamental and most fruitful. . . . In the relation of the judge and the probation officer lies much of the future of probation and, in turn, of the juvenile court.<sup>5</sup>

Juvenile probation service can be provided by one of four administrative structures: (1) by a probation department which is an integral part of the court, (2) by a local probation office serving two or more courts, including the juvenile court (a "combined" department), (3) by a state agency, or (4) by a local public or private welfare agency which gives probation service to the court as a part-time function. Of these four the first is recommended by *Guides for Juvenile Court Judges*. Each of the other three has some fundamental disadvantage. In a "combined" department structure, says *Guides*, the judge "may find himself in competition with other judges for available services." As for the third and fourth types of administrative structure:

The judge served by a completely separate agency, either state or local, public or private, has perhaps the most difficult task. He is still held responsible by the community for the effectiveness of his court as a socio-legal agency, yet he rarely has any direct control over the number or quality

of the staff assigned or the amount of time they serve. In addition to competing with other judges, he may also be competing with other services offered by the agency. If staff and services are inadequate, the judge cannot change the responsible administrative officer as he could in his own probation department.<sup>6</sup>

### In Favor of Court Control

In several states, most or all counties obtain probation service from county welfare departments; in some states, notably Utah and Connecticut, service is provided by a statewide probation department. But in the vast majority of juvenile courts in the country, the probation staff is under local court control. Since Ohio is included in this group, you can attribute my preference for this system to prejudice or local pride. However, I believe there are several sound arguments in favor of court control.

In the first place, the question of adequacy of court services is one which should be determined by the judge, using such standards as may be provided by the state or a state association of judges. The people are entitled to expect the judge, generally placed in office by election, to provide the best court services possible. As probation counseling is an integral part of the judicial function in a juvenile court, the judge should be in a position to do something about improving and maintaining the quality of this service directly, rather than merely registering a protest with the agency involved.

Next, there is danger that in a multiple-program agency, such as a county welfare department, the juvenile worker may be diverted to do

<sup>4</sup> Charles L. Chute, "State Participation in Probation Work," *NPA Yearbook*, 1931, p. 169.

<sup>5</sup> Gustav L. Schramm, "Developing Probation as a Profession," *NPA Yearbook*, 1936, pp. 301, 306.

<sup>6</sup> *Guides for Juvenile Court Judges* (New York: National Probation and Parole Association, 1957), p. 17.



some other type of casework, or have other duties superimposed upon the juvenile caseload.

Again, there is a much better chance of getting adequate finances for a proper probation staff if the budget is controlled by the judge. I have had some experience with welfare departments; most of them, I have learned, are chronically short of funds. Under the Ohio law the judge has the right to set his budget for probation personnel, and appropriation for that budget by the County Commissioners is mandatory. That kind of law gives the court the opportunity to provide the facilities needed to give the best service to the children who come before it. Since the public gives the judge that responsibility, he should have the means to meet it.

Another reason for court control is that it produces better coordination of the probation staff, which is more responsive to the wishes of the judge.

Finally, control of the probation office by the court makes it more likely that the child will receive the kind of treatment envisaged by the court and that the probation process will properly supplement the judicial disposition.

Referring to the help given to a child by probation officers, Edgar Silverman, of the Juvenile Court of the District of Columbia, says:

This help can be extended only when the probation officer functions as an integral part of the court and when he is recognized as such by the judge and the client alike. Real help is not possible when the probation officer, for one reason or another, is splintered off from the judge or from the ultimate purpose of the court—namely, to secure the offender's compliance with the law.<sup>7</sup>

<sup>7</sup> Edgar Silverman, "Lawyers and Social Workers in Juvenile Proceedings," *CRIME AND DELINQUENCY*, July, 1960, p. 265.

On the other hand, the more time the judge spends on administrative matters, the less time he has for purely judicial functions. Every delinquency case, excluding traffic cases, should be heard by the judge himself. I realize that this becomes more difficult as the size of the community increases, yet Judge Schramm, shortly before his death, stated that he had personally heard every case in Allegheny County for twenty-five years. In the larger counties the problem can be solved by increasing the number of judges. In any event, the judge must limit his administrative duties so that they do not interfere with his principal job, that of hearing and making dispositions in children's cases.

### Protective Services

Turning now to child protective services, required in cases of dependency and neglect, we find a different situation. Here an investigation is necessary before the case is actually filed in the juvenile court. Since many communities have no social agency providing this service, the juvenile court in those areas has had to take over the investigation function. However, this is at best a stop-gap measure, a matter of expediency, a response that is "better than nothing at all." Protective services should be provided not by the court but by an appropriate agency.

It seems clear that investigation . . . and the filing of a petition are not appropriate functions of the court. A court through the use of its own staff should not be placed in the position of investigator and petitioner and also act as the tribunal deciding the validity of the allegations in the petition. Generally, therefore, investigating complaints and filing of petitions require services proper to the . . . administrative agency providing protective service for children.<sup>8</sup>

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Furthermore, the use of the court probation staff in dependency and neglect cases and its administration by the judge will reduce the time available to each for the performance of primary functions. Most neglect situations can be adjusted by a protective agency without bringing them before the court.

This is not to imply that, because the judge does not exercise administrative control over the child welfare agency, he cannot cooperate in planning for a particular child or accept its assistance in making the proper determination.

The field of neglect demands both legal and social judgment. The law has recognized its own inability to provide single-handedly such composite wisdom and has striven through the medium of the juvenile court to enlist the strength and knowledge of the other social sciences. To implement and make real this partnership, the judge in turn must understand what judicial history has made evident time and again—that he cannot, from his own knowledge alone, consistently make decisions which are “in the best interests of the child.” When the judge acknowledges that he is not a high priest of abstract justice and seeks through expert testimony and reports the wisdom of other minds and skills, he is not surrendering either his right or his inalienable responsibility to make the final decision; rather, he is making sure that the decision, when made, will be conceived in understanding, not in arrogant ignorance.<sup>9</sup>

As stated above, provision of protective services by the court should be regarded as an expedient, not a permanent, measure. Of the two standard sources of service, a separate child

welfare board and a general welfare agency, the former is more likely to give proper attention to children's cases; the same result can be achieved by a welfare department if it sets up a completely separate division whose workers are not burdened with a multipurpose caseload.

Another reason for the judge not to have administrative control of child protective services is the possibility of conflict of interest. It is frequently necessary for a protective agency to have temporary or permanent custody of a child. If the judge is the administrator of the agency, the parents may very properly raise a question as to his impartiality, no matter how much he strives to remain objective. In Ohio the juvenile court judge has the right to serve as a member of the child welfare board or to appoint a member. I have always followed the practice of appointing a member, so that I would not have to disqualify myself in cases in which the child welfare board was a party. Conflict of interest is an even more serious problem where the court itself administers child protective services.

Responsibility for protective service is by no means the only area where the judge may dangerously overextend his function. The public, says Judge Eastman, seems to hold the courts responsible for prevention of delinquency. A conscientious judge would be eager to cooperate in community activities aimed at preventing delinquency, but this does not mean that he should assume administration of such efforts. A judge may properly encourage the formation of a special program such as a child guidance center and may even serve on the board of the agency, but he would be unwise to have it placed under his direct administrative control.

\* U.S. Children's Bureau, *Standards for Specialized Courts Dealing with Children* (Washington: Government Printing Office, Children's Bureau Pub. No. 346-1954), p. 11.

\* Thomas D. Gill, “The Legal Nature of Neglect,” *NPPA JOURNAL*, Jan., 1960, p. 16.

### Drawing the Line between Judicial and Social Functions

Having explored some of the areas in which both opinion and practice differ on the place of the judge in administration of services, let me now attempt to draw the line of demarcation between the judge's province and that of the social agencies.

First of all, it must be understood that probation is an integral part of the court and is actually an extension of the judicial function.

It is widely agreed that without a competent probation department there cannot be a successful juvenile court. Achievement of the court's basic objectives requires individualized appraisal of, and planful work with and for, children rather than routine processing—and the effective operations of the probation department are a necessary condition of such service.<sup>10</sup>

Acceptance of this statement makes the line of demarcation visible. Those services of the juvenile court which are directly related to the judicial function, such as prehearing investigation and probation counseling, should be administered by the court. On the other hand, those services which are related to the court's basic function only indirectly, including protective services and delinquency prevention, are more properly administered by a social agency such as the welfare department or child welfare board. This is perhaps an oversimplification, but it does establish a rule whereby administrative practices may be regulated.

As we mentioned previously, in some instances juvenile courts have assumed administration of child protective services because the community has failed to provide adequate agency services. While it is important that

the judge see to it that this task is done when necessary, he should not seek to have the court staff entrenched in this phase of the work. Rather, the judge should endeavor, by contacts with county fiscal authorities, by enlisting support of citizen groups concerned with children—such as parent-teacher associations, church boards, and citizens planning councils—and by speeches to the general public, which every judge has opportunities to make, to have created or enlarged the local child care agency which would logically take over these protective functions. Furthermore, the judge can do much to assist agencies to improve their services by insisting on adequate staff in proportion to caseload and by raising the educational standards for additions to these staffs.

As was stated at the outset, the *judicial* function of the juvenile court is paramount; if it isn't, the structure is not a *court*. However, as a corollary of this, the juvenile court must also have a *social* function, without which it ceases to be a *juvenile* court. The whole juvenile court concept is based on the proposition that children deserve more than a bare judicial determination. Presiding Justice John Warren Hill, of the Domestic Relations Court of New York City, now retired, wrote: "Children's Courts have been established for the purpose of diagnosing, treating and reclaiming for society those children who are found neglected and delinquent in this community, and who will not respond to the voluntary services of other agencies in the community."<sup>11</sup> Such an interpretation of the fundamental purpose of the juvenile court is a sound and firm guide to the problem of administrative functions.

<sup>10</sup> Alfred J. Kahn, *A Court for Children* (New York: Columbia University Press, 1953), p. 136.

<sup>11</sup> Quoted in Kahn, *op. cit.*, p. 21.

# A Quarter Century of Court Psychiatry

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*This study surveys a quarter of a century of continuous operation of the Psychiatric Clinic of the Court of General Sessions of New York County.*

*The statistical findings are based on some 71,000 examinations of approximately 57,000 persons involved in felonies.*

*Most of these persons are not significantly psychotic, neurotic, or even intellectually deficient in the ordinary clinical sense. Approximately 1.5 per cent are psychotic; less than 1 per cent are significantly neurotic; about 2.5 per cent are mental defectives. Thus, only about 5 per cent of all persons convicted of felonies need to be considered for special treatment for psychotic, neurotic, or mentally deficient states. The remaining 95 per cent of serious offenders—at least in our jurisdiction—tend to show more or less severe character disorders.*

*Over the 26-year period of this study, the only significant fluctuation in incidence of major character disorders occurs in the group psychiatrically designated as pathologic (or sociopathic) personalities. The percentage of pathologic personalities apprehended for felonious crimes tends to fluctuate in accordance with sociologic, economic, and legal factors, rather than as a result of any significant variation in the personality configuration of the delinquency-prone population.*

*The personality classifications developed by the Clinic are listed and described in two categories: Major Character and Behavior Disorders (seven subgroups), and Lesser Character and Behavior Disorders (twelve subgroups).*

ON JANUARY 4, 1932, the Psychiatric Clinic of the New York County Court of General Sessions began receiving a full caseload of defendants for examination. Between that day and the end of 1957 (the period covered by this article), the Clinic operated, without interruption even during the war years, five or five and a half days a week. The annual number of persons examined and given psychiatric evaluations ranged from 2,193 (in 1943) to 3,264 (in 1954). The total number of examinations in the 26-year period was 71,296. Since 20 per cent of the persons examined had previously appeared before the Court, the approximate number of persons examined was 57,000. The report that follows is a survey of the personality classification data gleaned from the Clinic's work over the years.

### The Clinic Background

The Court of General Sessions of New York County (the equivalent of a county court in other jurisdictions) is concerned with the trial and sentencing of persons indicted for a felony, upon conviction of which the defendant is technically liable to confinement in a state prison.

New York County is the island of Manhattan, the second most populous of New York City's five boroughs. The hub of the metropolitan district, Manhattan is made up of such divergent areas as Broadway, Wall Street, the midtown office and shopping spots, the garment and printing and other light manufacture districts, the slums of the lower East Side, Harlem, Hell's Kitchen on the West Side, and the two-mile stretch of luxury apartment houses on Park Avenue and Fifth Avenue. It is the greatest seaport in the Western Hemisphere and a tourist center attracting hundreds of

thousands of visitors daily. Thus, to the criminal problems ordinarily inherent in a permanent population of close to two million are added those attributable to the presence of hundreds of thousands of transients.

Our clinic is concerned with the examination of all prisoners or defendants who have pleaded guilty or who have been convicted in the Court of General Sessions. The function of the Clinic is to detect the psychotic and mentally defective persons in this large group and to offer a personality evaluation, which may include a determination of the environmental and dynamic factors underlying their criminal behavior. Every defendant is given specially adapted psychiatric and neurologic examinations, together with such physical examinations as may be indicated. A defendant referred for hospital observation or special laboratory testing is sent to the Bellevue Psychiatric Hospital, of which our Clinic is an out-patient subdivision. The Probation Department furnishes us with a report of the social and police investigations and previous court records, if available. Heavy caseloads preclude an exhaustive study of every person convicted, but certain cases, especially those where there is doubt as to the diagnosis, are extensively studied.

The Clinic is staffed by three full-time senior psychiatrists and two full-time senior psychologists, as well as ancillary secretarial and clerical personnel. There is no social service set-up as such; the functions of the social service worker are, for the most part, subserved by the well-staffed probation department of this court.

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as mentally defective without first receiving at least two psychologic tests. Invariably, defendants are given a form of the Wechsler Adult Intelligence Scale, usually along with a figure-drawing and a Rorschach test; other specialized projective techniques are used when indicated. The psychologists are never assigned more than two cases daily, so that they have ample time for an adequate psychologic work-up and for repeated examinations if necessary.

Each psychiatrist is expected to handle a daily caseload of six to eight persons.

A more or less exhaustive report of the examinations, depending on the special needs and problems of the case, is then presented to the judge.

In May, 1937, the *Journal of Criminal Law and Criminology* published a survey of this Clinic's experience entitled "The Relation of Psychosis, Mental Defect and Personality Types to Crime." Written by Dr. Walter Bromberg and Dr. Charles B. Thompson, the study covered the records of 9,958 prisoners in the preceding four years.<sup>1</sup> Our present paper examines the differences between their study of 1932-35 and our own five-year specimen study of 1953-57.

As far as we know, no comparable survey has ever been attempted in any other jurisdiction. Although extensive studies have been made in correctional institutions, they are by no means comparable because they include only those offenders who have been incarcerated. In this court, 24 per cent of all offenders from 1954 to 1957 were placed on probation rather than in-

carcerated; an even larger proportion were committed to city penitentiaries on misdemeanor pleas. Thus, our survey includes thousands of persons who would never come to the attention of prison psychiatrists.

The remainder of this paper will cover the specific data of our statistical 26-year summary and conclusions and inferences which may be drawn from it; it will also cover the Clinic's personality classification, which we have found to be a practical way to delineate diverse patterns of behavior. The categories currently utilized are only slightly different from those proposed by Bromberg and Thompson in 1937. The use of one or more subgroups to describe an individual makes the classification flexible enough to describe virtually any person we encounter. Although the classification is primarily behavioristic, we consider it the only practical approach to a large-scale, general population study and offer it with the thought that other groups in other jurisdictions may be inclined to make similar surveys of their material and thus will have a basis for comparison.

#### Statistical Review and Analysis

The most revealing finding in the review of the Clinic's cases is the definite paucity of clinical psychiatric pathology involving psychosis and mental deficiency. In their four-year survey, Bromberg and Thompson found only 1.5 per cent to be psychotic and 2.4 per cent mentally defective. The 26-year survey does not show any significant variation from these figures. The number of psychotics has rarely exceeded 1 per cent; the number of mental defectives exceeded 3 per cent in only two years (1947 and 1949), remaining usually at

<sup>1</sup> Walter Bromberg and Charles B. Thompson, "The Relation of Psychosis, Mental Defect and Personality Types to Crime," *Journal of Criminal Law and Criminology*, May-June, 1937, pp. 70-89.

the 2 per cent level. In 1957, when the highest percentage of psychotics was found, the figure reached only 1.8 per cent; and of the 54 cases observed, 10 were diagnosed as "schizophrenia in remission."

The relatively rare association of overt psychosis with serious criminal activity is further borne out by the fact that *only about one-third of those cases deemed psychotic are sufficiently abnormal mentally to require commitment to a state hospital without the necessity of trial on the criminal charge*. Of the 910 cases sent for observation to Bellevue between 1947 and 1956, only 273, or 30 per cent, were committed; an additional 7 per cent were found to be mentally defective. One of our Bellevue colleagues, Dr. J. H. Cassity, in a study of 200 murderers, found psychosis in only 2.5 per cent of the cases.<sup>2</sup>

Bromberg and Thompson in 1937 showed that 6.9 per cent of 7,100 cases were psychoneurotic. Our own figures for 1947-1957 show a less than 1 per cent incidence of psychoneurosis; only in one year (1950) did that figure rise to 3 per cent. However, this discrepancy between the 1937 findings and our own does not reflect any true difference in our clinical material. Rather, part of it may be explained by our tendency, during the last decade, to observe stricter criteria before making a diagnosis of psychoneurosis. Unless the individual's neurotic symptoms are so severe that they significantly determine his proneness toward criminal behavior, we do not list him primarily as a psychoneurotic.<sup>3</sup> Those

persons who present relatively minor and fluctuating, or isolated and not significantly incapacitating, neurotic symptoms are listed under their general personality classification with the qualifying phrase, "with neurotic traits." The youth whose aggressive reactions are overcompensation for feelings of inferiority is grouped by us in the "aggressive" or "immature and maladjusted adolescent" category of lesser character and behavior disorders; on the other hand, this type of youngster was grouped by Bromberg and Thompson with the psychoneurotic. Hence the statistical difference.

The remainder of psychoneurotic criminals, who make up less than 1 per cent of the total number of criminals examined in our court, are those whose criminal behavior is determined and significantly conditioned by their psychoneurotic emotional disturbance. Kleptomanic cases would be typical examples of such individuals, but they do not ordinarily come to the attention of our court. Their petty pilferings are invariably classed as misdemeanors and are thus prosecuted in courts of lesser jurisdiction (like the Magistrates' Courts and the Court of Special Sessions). Among the representative psychoneurotics that we do encounter occasionally are the compulsive forgers (usually women) who use rubber checks and

ous disorder which do not significantly impair an individual's contact with, or appreciation of, reality.

The word *psychotic*, which will appear later in the paper, should be distinguished from *psychopathic*. *Psychotic* is equivalent to the lay term, *insane*. *Psychopathic* refers to the major personality disorders which, in other parts of the paper, are designated as *pathologic personalities*, or *sociopathic personalities*; these three terms are also used interchangeably.

<sup>2</sup> John H. Cassity, "Personality Study of 200 Murderers," *Journal of Criminal Psychopathology*, Jan., 1941, pp. 296-304.

<sup>3</sup> The words *psychoneurosis* and *neurosis* are used interchangeably—a standard psychiatric practice. They refer to degrees of nerv-

fictitious charge accounts to obtain clothing and trinkets from "swanky" department stores, items which they often hoard in great quantities. Among the men in this group are the compulsive gamblers and horseplayers who are driven to crime in vain attempts to recoup their losses or in despair of meeting the demands of creditors or the threats of loan sharks.

A significant change noted in our survey is the substantial increase in the percentage of persons evaluated as "psychopathic personalities" (currently designated "sociopathic personalities" by the American Psychiatric Association). Bromberg and Thompson found the incidence of psychopathic personalities to be 6.9 per cent for 1932 to 1935. To bring their figures in line with those of our present classification system, it is necessary to amplify them by adding 1.4 per cent for the group they called "hysterical swindlers" and 0.8 per cent for those psychopaths we may presume were included in their separate listing of chronic alcoholics. Thus, the amended total for their psychopaths would be 9.1 per cent. This proportion remained virtually constant during the next seven years (1936-1942); however, in 1943, the proportion of psychopaths increased to 13.4 per cent. By 1944, it had more than doubled and was then maintained at an average level of about 19 per cent for the next five years. In 1950, the percentage of psychopaths dropped to 10.8 per cent; but during the next six years it again jumped and fluctuated between 20 and 30 per cent up to 1957. The overall percentage of psychopaths during the last five years of our survey was 24.9 per cent.

Of course, variations in emphasis on the different criteria used in mak-

ing this diagnosis may account for part of the fluctuation in the percentage of psychopaths. Nevertheless, a sudden, marked, and sustained increase needs explanation. Consideration of the economy and social structure of the times offers us some probable reasons for our figures. The period of 1932 to 1941, when the percentage of psychopaths remained about 9 per cent, was marked by economic depression and unemployment. Under these conditions, many "normal" or "average" persons, having no intrinsic antisocial or criminal inclinations, were compelled to engage in criminal activity as a means of survival; consequently, the proportion of psychopathic criminals was relatively low. This interpretation is further supported by the finding of Bromberg and Thompson that the proportion of "balanced or adjusted" persons was relatively high—20.8 per cent—as contrasted with the proportion of 6.2 per cent from 1953 to 1957.

The doubled rate of psychopathy, which began in 1943 and lasted through 1949, is understandable when we consider that these years covered the period of World War II and post-war readjustment. During these years, there was virtually no unemployment; the processes of selection and training for military service served as a sieve which filtered out the more responsible young men into the armed services, while casting back into the civilian pool the psychopaths with their high criminal propensities.

The high proportion of psychopaths from 1953 to 1957—an average of 24 per cent—can undoubtedly be attributed to drug addiction. In July, 1952, the penal statute governing drug addiction was made more stringent so that persons possessing as little as one-

eighth of an ounce of adulterated heroin could be prosecuted for a felony instead of a misdemeanor. As a result, many hundreds of offenders who earlier would have been under the jurisdiction of the lower courts now came into the Court of General Sessions. Since the proportion of psychopaths among the drug addicts is much higher than it is among the nonaddicted criminal population, our overall percentage of psychopaths increased correspondingly.

### Inferences

What practical conclusions and inferences may be drawn from this overall survey? First, persons who are clinically, psychiatrically, or psychologically abnormal to any significant degree constitute, all together, only a *minor* segment—about 4 or 5 per cent—of the criminal population as a whole. Thus, from the standpoints of treatment, correction, rehabilitation, and supervision, only one out of every twenty felonious offenders needs the professional services of psychiatric or ancillary personnel. These figures may be contrasted with the needs of the noncriminal population, where it has been authoritatively estimated that one out of seven should have some kind of psychiatric attention.<sup>4</sup>

One is led to conclude, as a corollary of the above data, that the management of the great mass of adult criminal offenders rightly is, and should remain, in the hands of penologists, judicial and correctional

authorities, parole boards, and probation bureaus. Furthermore, our distinct impression, gained from observing thousands of recidivists in the Clinic and elsewhere, is that stern penological measures usually have a more salutary and longer-lasting restraining effect than hopeful but misguided "psychiatric guidance." This impression is particularly true for psychopaths, who characteristically welcome the intercession of the psychiatrist or prison psychologist as a means of escaping or mitigating punishment or of manipulating their environment to evade responsibility.

When we consider the dynamics of most criminal behavior as contrasted with that of noncriminal neurotic behavior, the statistics above should not surprise us. Neurotic syndromes usually appear in individuals who are emotionally labile and who have strong hedonistic and instinctive drives which are held in check, thwarted, or frustrated by an overly strict conscience. In Freudian parlance, this means that these persons have a conflict between the active demands of the id and the excessive restraint of the superego. Their inability to satisfactorily resolve this conflict generates anxiety and the ensuing neurotic symptoms, which act as a compromising, compensatory, or symbolic means of satisfying the socially unacceptable demands of the id.

On the other hand, the delinquent or criminally inclined person tends to have a weak conscience (or underactive superego) which does not interfere significantly with his search for immediate satisfaction of his impulses. His conflict arises out of the curbs placed on these impulses, not by his own conscience, but by society's legal restrictions. Thus, without feelings of anxiety, he seeks some means of cir-

<sup>4</sup>L. Rowntree, *et al.*, "Mental and Personality Disorders in Selective Service Registrants," *Journal of the American Medical Association*, Aug. 11, 1945, pp. 1,084-1,087; also P. Lemkau, C. Tietze, and M. Cooper, "A Survey of Statistical Studies on the Prevalence and Incidence of Mental Disorder in Sample Populations," *Public Health Reports*, Reprint No. 2534-58, 1909-1937, Dec. 31, 1943.

cumventing legal curbs. He may suffer apprehension and fear over the possibility of being caught and punished for his behavior, but he is not plagued by feelings of guilt or remorse. This distinction between the noncriminal neurotic and the criminal is, of course, seen most markedly in the antisocial psychopaths, persons whose restraints of superego (or conscience) are minimal or virtually nonexistent.

### Personality Classifications

As noted above, in every case the judge receives a report which states whether or not the defendant was found by the Clinic to be psychotic or psychoneurotic, gives an estimate of his intelligence, describes any significant physical abnormality, and concludes with a personality evaluation.

The diagnoses of psychosis or psychoneurosis listed below are in conformity with the terms and criteria of the American Psychiatric Association's classification. Our terms and criteria for pathologic (sociopathic) personalities (formerly called psychopathic personalities) are the same as the APA's. However, for the category of lesser character and behavior disorders, we have found the APA personality categories not sufficiently descriptive or varied to encompass the entire spectrum of persons we encounter. Accordingly, we have continued to use, in modified form, a personality classification originally outlined by Dr. Menas S. Gregory<sup>5</sup> along with Drs. Nathaniel Ross, Benjamin Apfelberg, and Fredric Wertham, staff psychiatrists of the Bellevue Psychiatric Hospital. Our modifications consolidate several of the minor

subgroups, so that we now classify our "average" or "normal" offenders in twelve, instead of the original nineteen, personality groups. This classification has been used successfully for the past decade.

The following sections present the criteria and descriptions of the seven groups of pathologic personalities considered "Major Character and Behavior Disorders" and the twelve "average" or "normal" groups under the heading of "Lesser Character and Behavior Disorders," as outlined below:

#### I. MAJOR CHARACTER AND BEHAVIOR DISORDERS: PATHOLOGIC (SOCIOPATHIC) PERSONALITIES

1. Antisocial
2. Inadequate and Emotionally Unstable (Pathologic Emotionality)
3. Schizoid
4. Cyclothymic
5. Paranoid
6. Sexual Deviant
7. Asocial

#### II. LESSER CHARACTER AND BEHAVIOR DISORDERS

1. Aggressive
  - (a) Aggressive Antisocial
  - (b) Aggression Released Habitually by Alcohol
  - (c) Aggression in Reaction to Inferiority Feelings
2. Inadequate
3. Emotionally Unstable
4. Immature and Maladjusted Adolescents
5. Immature Adult
6. Unethical
7. Egocentric
8. Suggestible Passive
9. Adynamic, Dull
10. Primitive
11. Adjusted to Low Cultural Level
12. Adjusted

<sup>5</sup> Menas S. Gregory, "Psychiatry and the Problem of Delinquency," *American Journal of Psychiatry*, Oct., 1936, pp. 775-777.



## I. Major Character and Behavior Disorders: Pathologic (Sociopathic) Personalities

In psycho-physiologic terms, pathologic personalities are persons with adequate intelligence but a grossly deficient function of restraint or inhibition of adaptive, instinctive, and hedonistic impulses by the higher cerebral center. Habitually and chronically, they manifest inadequate standards of ethical and moral behavior and of social responsibility; they are heedless, impulsive, irresponsible, and unreliable; they have poor judgment and a callous disregard for others. Certainly, well-balanced persons may also show these same characteristics, but only *temporarily*—for example, while under the influence of an inhibition-removing agent such as alcohol. When psychopaths are under the influence of alcohol, their abnormal reactions are likely to become even more exaggerated and uncontrolled. Moreover, the sociopath characteristically displays little, if any, feelings of regret for misbehavior when drunk; he feels that intoxication absolves him from responsibility for his misdeeds.

In the seven following subgroups we will list the deficiencies of the pathologic personality separately:

### 1. Antisocial Type

These persons are morally and ethically blunted; they lack sympathy or concern for their fellow men. They are irritable, arrogant, unyielding, and brutally egotistical, and they rarely regret the most serious offenses against persons or property. They are cynical, devoid of a sense of honor or shame, and lack affection, gratitude, or other similar sentiments. When frustrated, they may be dangerous.

Their offenses may run the whole

gamut of crime: theft, embezzlement, forgery, robbery, brutal sex attacks, and other acts of violence. Many take pleasure in their struggle with the law and are proud of their success in evading detection or in mitigating punishment.

An especially interesting subgroup which we prefer to include in this class is that of the pathologic liars and swindlers. Noyes and Kolb describe them as "egocentric individuals whose social maladaptation consists of extravagant, often apparently purposeless lying, frequently combined with swindling."

They exhibit a marked excitability of imagination combined with an instability of purpose. They are usually good-natured, of agreeable manners, optimistic, of a light-hearted geniality, and make social contacts easily. A glibness of tongue, a self-confident manner, a frequently assumed dignity and a misleading appearance of knowledge readily enable them to convince the credulous. They acquire a smattering of art, literature, or technical parlance which they employ to their own profit and to the expense and humiliation of their victims. They spin remarkable tales regarding past experiences and paint their future with a careless disregard for reality. Some are guilty of sex offenses and others obtain large sums of money under promise of marriage. When discovered in their delinquencies, they profess amnesia, and if charged with an offense they often stage an emotionally affected exhibition designed to impress observers and arouse sympathy. They are restless and unstable and are incapable of exertion or responsibility.<sup>6</sup> They never learn to meet the struggle for existence with industry and

<sup>6</sup> Nevertheless, such persons while incarcerated have completed college courses which qualify them for degrees in law, accountancy, etc., or which have enabled them to become writers of "best sellers." Invariably, however, when returned to the community, they again get into trouble.

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perseverance but live in a world of imagination and seek to acquire the necessities of life by deceit and fraud. Their theatrical imitation, their tendency to daydream, to boast, to avoid realities, and to surround themselves with an imaginary world suggest a childish immaturity of personality, while their wish-fulfilling fabrications have much in common with the fantasy of childhood.<sup>7</sup>

We estimate that 40 per cent of the psychopaths we encountered from 1953 to 1957 were best listed as antisocial. Bromberg and Thompson did not use the "antisocial type" as a specific subgroup, but we can assume that the persons they listed as "hysterical swindlers" (1.4 per cent) as well as a substantial portion of those listed as "constitutional inferiors" (1 per cent), "drug addicts," (1.1 per cent), "cyclothymic," (1 per cent), and "chronic alcoholics" (2.5 per cent) would be included in our group. From this, we may infer that then, as now, the antisocial psychopath comprised the largest group of pathologic personalities.

## 2. Inadequate and Emotionally Unstable Type

In spite of average educational and other opportunities and of normal intelligence as measured by psychometric tests, individuals of inadequate personality fail in emotional, economic, occupational, and social adjustments. They are often good-natured and easy-going but are inept, ineffective, and unconcerned. Their judgment is defective; they lack ambition and initiative and may be dreamy. They seem to lack physical and emotional stamina. When it is clear that effort would be rewarded they lack sufficient perseverance to achieve the results already in sight. The pleasure of the moment satisfies; they can

neither work nor wait for deferred pleasure or reward. As a result they are improvident and shiftless. Many of the ne'er-do-wells belong in this group. They are defective in sense of responsibility to themselves and to society. They may have a certain sentimentality but have no real appreciation of cultural and esthetic values.<sup>8</sup>

Thus, in contrast to the antisocial psychopath previously described, whose major defect is in standards of ethical behavior, the major conscience defect of the inadequate type is in the sphere of personal and social responsibility.

Included with this subgroup of the inadequate psychopath is the emotionally unstable type, frequently designated by psychiatrists as "pathologic emotionality." Persons in this group have flagrant defects of conscience or lack inhibitory controls over emotional excesses of anger, irritability, hostility, and recklessness. They belong in this pathologic personality category because they invariably accept with equanimity and little evidence of remorse what they describe as their "temper," "hot-bloodedness," or "very high-strung temperament," and are quite callous to the harm they have inflicted on others. They may make a relatively satisfactory adjustment for extended periods under parole supervision after a long prison term; however, a frustrating experience (such as undeserved loss of a job or rejection by a girl friend or paramour), usually fostered by an alcoholic binge, can trigger a series of repetitive, violent criminal acts, including robbery, rape, homicide, and arson, sometimes ending in a shooting fray with the police. When finally subdued and sobered up, they are not noticeably contrite, but expect sym-

<sup>7</sup> Arthur P. Noyes and Lawrence C. Kolb, *Modern Clinical Psychiatry* (Philadelphia: Saunders, 1958).

<sup>8</sup> Noyes and Kolb, *op. cit.*

pathetic treatment and tolerance because they "lost control" of themselves and "couldn't help it." Interestingly enough, the experienced professional criminal, to be described later under the heading of "Unethical Type," characteristically distrusts and tends to dissociate himself from such "screwballs" and "hotheads."

These inadequate and emotionally unstable psychopaths comprised about 40 per cent of the total count of psychopaths in our five-year survey, just about the same as the percentage of antisocial psychopaths.

### 3. Schizoid Type

Schizoids are excessively withdrawn from social contacts, introverted, and given to daydreaming. Their emotional reactions are usually described as "flat" or "shallow"; they do not "feel" about things to the extent or in the manner that the average person does. Often, they are hypochondriacal, excessively preoccupied with minor physical ailments, and apt to be sexually underactive. Often, too, they tend to lack interests or to have solitary, esoteric interests when compared with average persons in their social stratum. Uncomfortable with others and distrustful, they are prone to be "lone wolves" in their criminal activities; if they drink, they are apt to be "solitary" drinkers. Their susceptibility to criminal activity is not so much due to a *lack* of superego as to a *distorted* superego, since their values are so different from the average. They frequently show a lack of concern and a general indifference toward family attachments or obligations. In underworld jargon, they would be considered "odd balls."

Our five-year survey showed an overall incidence of 2.9 per cent for this group. Bromberg and Thompson found an incidence of 2.2 per cent.

### 4. Cyclothymic Type

This small but interesting group is characterized by alternating or persistent moods of elation or sadness, apparently stimulated by internal factors rather than external events. This abnormality of mood is not sufficiently marked to cause them to falsify or distort reality. As Bromberg and Thompson have pointed out: "The phase of mild elation is readily productive of antisocial conduct. The individual is overoptimistic, overstimulated; he has a superabundance of self-confidence and can easily gain the confidence of others. In this particular mood the individual is prone to promote visionary, get-rich-quick schemes, his euphoria dominating his judgment."

From the clinical psychiatric standpoint, the cyclothymic personality is closely related to and is invariably the basis of overt manic-depressive psychotic syndromes. It is difficult and sometimes impossible, especially in cases of previous psychotic breakdowns, to determine the point at which they lose their ability to test reality—that is, when they are "psychotic" and should not be held criminally responsible. If the psychiatrist feels the person has passed over this line of responsibility, he describes the condition as a "hypomanic phase of a manic-depressive psychosis."

While these persons may at times superficially resemble the "hysterical swindlers" in their manipulations, intrinsically they are very different. The hysterical swindler, when caught or stymied in his illegal activities, displays appropriate chagrin and discomfort, but the reaction of the cyclothymic depends primarily on his emotional state at the time he is caught or frustrated. If in a euphoric state, he minimizes his guilt, empha-

sizes his good intentions, and maintains that everything will come out all right in the end. On the other hand, if he is depressed, he shows psychomotor retardation and expresses real feelings of guilt, remorse, and self-depreciation. In fact, he is likely to be overpessimistic as well as overly self-condemning.

One might infer from the above remarks that cyclothymic personalities should not be included in the psychopathic personality group, since their conscience or superego functions are present and apparent. This is a valid criticism, but they have been listed with the other pathologic personality types for so long a time that it is simpler to continue doing so. Also, we would be at a loss to suggest any other place to put them. They certainly do not belong with the "adjusted" group of "lesser character and behavior disorders," and in most instances their ideational aberrations are not pronounced enough to permit a diagnosis of psychosis, especially when one considers the medico-legal difficulties involved in such a diagnosis.

Fortunately for the court psychiatrists' equanimity, cyclothymics are a very small segment of our criminal population. In our five-year survey, we encountered only seven cases, an overall incidence of .06 per cent. Bromberg and Thompson reported a 1 per cent incidence, which we consider overly high and probably indicative of the disinclination of psychiatrists thirty years ago to group hypomanic cases with the psychoses.

### 5. Paranoid Type

Paranoids are characterized by many traits of the schizoid personality coupled with a conspicuous tendency toward "projection" as expressed by suspicion, envy, jealousy, and stub-

bornness. They tend to misinterpret events as the consequences of malign or inimical forces. They are hypersensitive and quick to take offense, often detecting slights or malice when none was intended. Frequently, they take their quarrels to court, are rarely satisfied with the outcome, and litigiously pursue the satisfaction of their "rights." Thus, they may readily become involved, as complainant or defendant, in situations of libel and assault. Under continued stress and frustration, this personality disorder may progress to overt psychotic episodes or even chronic paranoid syndromes, most usually schizophrenic and very rarely "pure" paranoidias.

In our five-year survey, we found twenty-six paranoid psychopaths, an incidence of 0.2 per cent: Bromberg and Thompson found 0.8 per cent.

### 6. Sexual Deviant Type

Included in this group are overt homosexuals, transvestites, fetishists, pedophiliacs, voyeurs, exhibitionists, masochists, sadists, and all who commit sexual crimes, especially against children. While they may lack normal inhibitory controls, primarily as far as sexual morality is concerned, we do not wish to imply that *all* individuals who have at one time or another engaged in deviant practices are sexual psychopaths. Nevertheless, almost all sexual deviates who come to the attention of our court as felons fully warrant the designation of pathologic personality.

For the most part, minor sex deviates, such as voyeurs, exhibitionists, and fetishists, do not come under the jurisdiction of the Court of General Sessions; the majority of the sex deviates we see were originally arraigned as burglars, forgers, petty larceny offenders (for example, shoplifters), or embezzlers. To be sure, they are im-

pelled to commit these crimes by the inordinate hedonistic and narcissistic urges fostered by their perverted sexual drives, in order to secure funds which they can hardly obtain legitimately.

Recently, we saw a couple of male homosexual transvestites who had gone to the wig room of the Metropolitan Opera House for some very elaborate wigs, which they planned to use at one of their "gay" costume balls. Usually they rent wigs of "inferior" quality from ordinary theatrical supply houses, for fees ranging from \$35 to \$75. On this occasion no attendant was present in the Metropolitan Opera's wig room and they stole thirty-two "gorgeous" wigs, each of which was worth \$250 to \$350. They had no difficulty in peddling the stolen wigs among their "gay" friends.

Another case to illustrate how their expensive needs and tastes lead psychopathic homosexuals to commit felonies is that of a bleached-blond youth of eighteen who made a very good living as a transvestite prostitute. He frequented certain bars where, posing as a girl, he picked up men who were more or less intoxicated and usually unaware of his sexual identity. One of the necessary elements of his stock-in-trade was his long hair, which he wore in page-boy style down to his shoulders. As a young and attractive prostitute he was readily able to demand and receive fees of \$25 to \$35. Thus, a mere two customers a day was enough to supply him with liquor, clothing, and various luxuries.

One night a dissatisfied customer made a vociferous complaint at the bar where he had picked up our subject, demanding a refund of the money obtained from him "under false pretenses." An altercation en-

sued, leading to our subject's arrest on a minor assault charge and his commitment by a lower court to the City Penitentiary for a four-month term.

In the penitentiary, he was given the routine prison haircut; when he was released his hair was still far too short to permit him to resume his previous role. He was faced with an intolerable dilemma: to become an ordinary male prostitute, commanding fees of \$5 to \$10, or to engage in some other, more lucrative, illegitimate activity. He chose the latter course—specifically, burglary—and was apprehended soon after committing a \$500 theft, thus coming to the attention of the Court of General Sessions.

It had never occurred to him to get a job which would support him in respectable fashion. Of course, he explained, he intended to continue with burglaries only as long as necessary—that is, until his hair grew again to shoulder length so that he could resume his former "profession."

Comparatively few of the sex deviates we see come to us because of criminal sex offenses per se. In fact, many of those we see who are involved in sex offenses are not considered sex deviates at all. For instance, in 1957 we examined a total of thirty-seven persons indicted for sex offenses, as follows:

Impairing morals of a minor..	17 cases
Sodomy .....	8 "
Rape, 2nd degree .....	6 "
Rape, 1st degree .....	3 "
Attempted rape, 2nd degree..	1 case
Carnal abuse of a child .....	1 "
Incest .....	1 "

Many of the cases of so-called "rape" were actually cases of *statutory rape*: charges were brought against the defendant because the female he had cohabited with was under eigh-

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teen. A similar reason explained the charge in many cases of "impairing morals of a minor"; here the female is under sixteen. In the majority of cases the defendant was a recent immigrant of low social status, accustomed in his native country to comparatively primitive sexual standards. Usually the charge is brought against him because the girl's parents or guardians disapprove of him specifically, not because of any general disapproval of a liaison between the girl and much older men; sometimes the charge is brought by the Children's Aid Society, which intervenes when the girl is pregnant.

Even some defendants who are charged with sodomy are obviously not sex deviates. Sometimes a known prostitute asserts she has been "forced" to submit to perverse practices and brings charges against a customer who may have reneged on his financial arrangements with her.

The socially dangerous type of habitual sex offender is apparently becoming increasingly rare in Manhattan. The incidence of psychopathic sexual deviates from 1953 to 1957 was 0.65 per cent, not significantly different from the 0.4 per cent recorded by Bromberg and Thompson twenty years earlier.

### 7. Asocial Type

The asocial type is made up of persons who manifest their contempt for social authority and respectability by becoming gangsters, vagabonds, racketeers, prostitutes—in other words, environmental criminals, underworld habitués. They prefer this type of life; many are the product of lifelong abnormal environments and are uncomfortable when attempts are made to transplant them to a milieu where

the moral standards call for inhibitions they cannot accept.

It is important to distinguish this type of psychopath from the unethical types in the category of "lesser character and behavior disorders" discussed below. The "madam" who sends her daughter to expensive boarding and finishing schools and aspires to have her make a good marriage and assume a respectable position in society is an example of the unethical type. On the other hand, the brothel keeper who trains her own daughter to become an efficient and successful prostitute and eventually to take over her lucrative business is classified as an asocial psychopath. The former would be likely to operate an elaborate establishment near some spa or expensive resort, while the latter would probably have a place in the slums or "red light" district of a mining, factory, or industrial town.

Asocial psychopaths comprised only 0.4 per cent of the total number of cases in our five-year survey.

## II. Lesser Character and Behavior Disorders

This category is made up of twelve subgroups of outstanding personality characteristics and behavior patterns of all other adults who run afoul of the law (or for that matter, *all* adults in the general population):

### 1. Aggressive Type

(a) *Aggressive Antisocial*.—Representative of this subgroup is the common "tough guy" consciously committed to the belief that if he is weak and passive he will always be "stepped on"; therefore, to avoid being taken at a disadvantage, he strikes the first blow. He tends to react violently to frustrations, deprivation, or disap-

pointment, and readily commits robberies, burglaries, or assault when he feels slighted or insulted or if his masculinity is impugned. He is pugnacious when opposed. Although usually an industrious worker, he loses jobs readily because he resents discipline. When unemployed, he turns easily to crime, justifying it as a suitable reaction to a hostile, treacherous society.

This group can be distinguished from the antisocial pathologic personality (p. 350) by its "code of honor." Persons in this group are intensely loyal to their gang, their leaders, close friends, and family or community members whom they respect or admire; they are scathingly contemptuous of the criminal who "rats." If tactfully handled, they may make excellent soldiers in wartime. They are inclined to be truculent and defensive, and to brag about their crimes against society; yet they may well display feelings of shame and remorse if they consider their behavior disloyal to the group or principles with which they have identified themselves.

(b) *Aggression Released Habitually by Alcohol.*—This is a small but significant subgroup of persons who show undue aggressiveness only when under the effects of alcohol. They may be satisfactorily adjusted for extended periods as long as they remain sober. When intoxicated, however, they readily yield to impulses to commit assaults, robberies, sexual attacks, and even homicides.

Bromberg and Thompson found a 0.4 per cent incidence of this type of offender; in a typical recent year (1957), we found that a little over 1 per cent fit this category. Of course, alcohol ingestion is significant in the maladjustment of many others who show many more diverse personality

patterns than those of this small subgroup.

(c) *Aggression in Reaction to Inferiority Feelings.*—This is a small but clearly defined subgroup typified by the undersized, underdeveloped, physically unattractive, or intellectually handicapped person who has developed a tough, cynical exterior to hide his feelings of insecurity and inferiority. He may acquire a reputation as a knife- or gun-wielder and strives to maintain his status by the recklessness of his antisocial exploits. In 1957, the incidence of this group of aggressive offenders was 0.4 per cent.

The combined incidence of all these aggressive types from 1953 to 1957 was 19.1 per cent, in contrast to the 7.7 per cent determined by Bromberg and Thompson. No doubt, this discrepancy can be attributed to the contrasting socio-economic climates of the two periods, which we mentioned earlier (p. 347) as partially accounting for the low incidence of psychopaths from 1932 to 1935 and their high incidence in the later study.

## 2. Inadequate Type

The inadequate type is the next to the largest subgroup in this category, the term describing 2,373 persons, or 15.9 per cent of the total examined from 1953 to 1957. This percentage may be compared with analogous types listed by Bromberg and Thompson as "shiftless—8.4 per cent," to which estimate should be added about half of those listed in their categories of "drug addicts—1.1 per cent" and "chronic alcoholics—2.5 per cent." We can then conclude that with our current terminology, about 10 per cent of the Bromberg and Thompson material would fit into this "inadequate" group.

To describe this type of person: He is generally weak-willed, not overly aggressive, and, with his nebulous ethical standards, rather irresponsible. He lacks fortitude, persistence, and ambition and is unwilling to sacrifice present satisfactions for future security or rewards. Under favorable environmental circumstances he can make a low-level but adequate adjustment for a fairly long time (in contrast with the inadequate psychopath). However, when confronted by anything more than minor frustration or temptation, he seeks the easiest and quickest way out, often by committing a nonaggressive type of crime or by going along as a chauffeur, "finger-man," or "lookout" for more aggressive criminals, characteristically accepting a lesser part of the loot. Often, and without compunction, he sells to a vicious desperado a pistol he has "found" or accepted as security for a loan, justifying his act by a plea of financial distress; he explains his failure to turn the weapon in to the authorities by maintaining that they would not believe him or would probably hold him on charges of "possession of a dangerous weapon." The inadequate type (and this includes many females) delivers packages of narcotics for fees of \$10 to \$25 from "wholesaler" to "pusher," insisting, when arrested, that he did not realize the packages contained any kind of contraband. (Recently, one of our defendants asserted indignantly that he was under the impression he was delivering a package of policy slips; had he known he was carrying narcotics, he said, he would not have accepted such a small fee—\$25—for his services.) Frequently we see widows or married women who, with or without their husband's knowledge, allow their

apartments to be used as "drops" or storage places for narcotics dealers, or headquarters for policy rings, in return for payment of the rent or similar favors.

### 3. Emotionally Unstable Type

The emotionally unstable type reacts heedlessly and impulsively to temptation or frustration, often disrupting a fairly long period of adequate adjustment by these lapses. As a rule, though, he does not show the reckless abandon and vicious disregard for the safety or rights of others that we associate with the psychopath. Also, unlike the psychopath, he shows a reasonable amount of remorse for his "blow-ups."

We classified 4.8 per cent of our defendants in this group, in contrast to the Bromberg and Thompson figure of 11.3 per cent, a weighting probably attributable to their failure to distinguish an emotionally unstable group in their psychopathic categories.

### 4. Immature and Maladjusted Adolescents

This is a conglomerate group of youths and adolescents between sixteen and twenty-one who have not yet settled into any habitual behavior pattern and whose criminal behavior is likely to be of an adventuresome nature—a lark or an escapade, usually unplanned and impulsively and heedlessly executed. Almost invariably, they participate in group or juvenile gang activities out of a desire for prestige or status and a dread of being derided as "chicken" if they do not go along. They are rebellious and show a particular delight in flouting authority or figuratively thumbing their noses at parent surrogates. One of their most frequent crimes is stealing cars for "joy riding"; another com-

mon offense is burglary, the proceeds of which are usually squandered in childish excesses. Fairly often, they "work over" and "roll" a drunk, or beat up and rob a homosexual who has invited them to his apartment for a "party." Handbag-snatching and "mugging" are the more aggressive crimes frequently indulged in by this age group; when it is evident that a youth habitually perpetrates these crimes, we are inclined to classify him in one of the more pathological character groups.

Maladjusted and immature, these youngsters generally have childish interests and show lack of judgment and disregard for future needs by a recalcitrant attitude toward completing their education or getting vocational training. They are excessively resentful of restraint and discipline. In the lower social and economic groups they are likely to be sexually promiscuous and sophisticated; in the middle and upper socio-economic groups they tend more toward sexual naïveté.

Bromberg and Thompson found the incidence of immature and maladjusted adolescents to be 7.2 per cent. Surprisingly (especially when we consider the current concern about juvenile delinquency), our figures for 1953 to 1957 give an incidence somewhat less: 6.5 per cent.

### 5. Immature Adult Type

Here we consider persons twenty-one years old and over who have, for the most part, retained their adolescent behavior patterns, persisting in their childish interests, thoughtlessness for the future, irresponsibility, daydreaming, adventurousness, impracticality of goals, and lack of good judgment in making decisions.

Many of these chronologically mature individuals are unable to think

and act for themselves and are excessively dependent on or submissive to a dominating parent or parent surrogate. If they marry, they can get along only with a mate who exerts a similar directing, dominating, and protective influence over them. They are, so to speak, grownups who have never grown up. When in trouble, as they often are, they wait passively for a parent or parent surrogate to come to the rescue. In the case of males, the mother, older sister, or grandmother is likely to be the protecting and guiding figure; the father, usually absent, actually is—or is depicted as—unworthy and a poor example for the son.

Our survey found an incidence of this type of 4.9 per cent; Bromberg and Thompson found 3.1 per cent.

### 6. Unethical Type

Bromberg and Thompson have aptly described the unethical type as "those who have given themselves completely to a professional criminal career. They are men who carefully plan their criminal activities and who probably would do well in any other business organization. Crime is their business; they are adjusted to it and prefer it with all its inconveniences and dangers." We might add that until they have a run-in with the law from which their expensive legal help cannot extricate them, they usually find crime much more lucrative than any legitimate business or profession. Here we would include the efficient chronic burglar-safecracker, the jewel thief who carefully "cases" his jobs, the professional "fence," the "mouth-piece" lawyer, the big-scale abortionist, the panderer with extensive stables of "call girls," the pimp and the madam and the white slaver, the big-time bootlegger and the racketeer,

the professional gambler who arranges "fixes," the crooked stock promoter, the perpetually grafting politician, the bookie and policy banker, the dope importer and wholesaler.

Since they have a conscience and adhere to a social code (albeit the code of the underworld), they cannot be classified as psychopaths. They are usually quite devoted to their families and provide for them lavishly. To their friends they are loyal and generous, but to their enemies or those who violate their code, they are implacably ruthless. Aspiring to at least a facade of respectability and community acceptance, they may give generously to charities, churches, etc. They are proud of being successful and view disparagingly the lesser lights in the criminal hierarchy. Often they justify their activities with the argument that they promote certain social values and needs that are stupidly thwarted or ignored by the law. A defendant who had been one of the nation's biggest bootleggers remarked complacently to us that it was he who had made it possible for the "common working man to enjoy a good glass of beer after his day's toil." Notorious labor racketeers have likewise told us that they perform a valuable service with their strong-arm methods inasmuch as they can enforce stability and discipline in industries which otherwise would be disorganized and paralyzed by irresponsible agitators.

The Bromberg and Thompson figure for the unethical type was 2.5 per cent; ours is 3.4 per cent.

### 7. Egocentric Type

The term "egocentric" describes a relatively homogeneous group of self-centered, conceited persons who are sufficiently aware of conventional

ethical and moral standards but feel that they themselves are special, superior, and privileged and should not be judged in their occasional lapses by the same standards as those applied to the common herd. We usually find that they have been pampered, overindulged, and underdisciplined in childhood and adolescence by doting parents. They have been encouraged not to sully their hands or compromise their status by engaging in menial or manual labor and to take the more genteel white-collar job even if it pays less. Their dress, grooming, and overconcern about protecting their health and good looks testify, from the first interview, to their narcissism and hedonism. On a drizzly day they will take a taxi to their destination rather than walk a few short blocks or take a subway, even though they complain about not having enough money for the bare necessities. Often, they go into debt by purchasing, on credit, luxury items they obviously cannot afford. In short, they feel they must live not in accord with their means but in a style befitting their exalted social concept of themselves. They engage in shady business transactions (particularly after their credit is exhausted) to make up the deficit between their legitimate earnings and their inflated standard of living. They rarely exhibit deep or sincere feelings of guilt or remorse and make token gestures at restitution only under continued pressure while under probation supervision. They offer specious excuses to justify their offenses. Thus, a young woman working as a bookkeeper at a salary of \$85 a week maintained an expensive, lavishly furnished apartment—a place, she said, where she could entertain her friends properly



—by filching a few thousand dollars a year through fictitious billings. She argued, "They never paid me enough for the amount of work I did." Most embezzlers are of this type.

Not infrequently we encounter respectable businessmen who refuse to retrench during a period of recession and continue to finance a losing operation by loans based on fictitious "accounts receivable." They justify their persistence in living on a grand scale by arguing that if they did not do so, their reputation and credit rating would suffer. What they have done, they say, is common practice in their industry; their only regret is that they were caught.

Bromberg and Thompson found an incidence of 5.3 per cent "egocentrics." Our figures show an incidence of 2.1 per cent.

### 8. Suggestible Passive Type

Bromberg and Thompson succinctly describe the suggestible (submissive) passive type as persons who are "readily dominated by aggressive companions and are represented very frequently in crimes committed by co-defendants. . . . They are followers rather than leaders, though they may nevertheless take part in quite desperate adventures." We might add that they lack initiative and originality.

Bromberg and Thompson: 5.2 per cent incidence; our figures: 2.8 per cent.

### 9. Adynamic, Dull Type

Again, from the Bromberg and Thompson description: "The adynamic individuals are anergic, show a lack of drive, especially industrially, are narrow and inadequate in their personality structure. Although not defective, they have some schizoid fea-

tures and difficulty in economic adjustment." In addition, they show a constriction of interest in the outside world, have weak family attachments or none at all, and lack any goals or aspirations beyond the satisfaction of their simple day-to-day needs. Many habitués of the Bowery, if not out-and-out drunken sots, are of this type. They are not aggressively criminal, but they avail themselves of any tempting opportunity to get something for nothing. Frequently they are found, mildly inebriated, in a burglarized loft or shop with this explanation: They found the place already broken into and decided to take a look around to see what they could pick up. And very often this story, upon investigation, is proved to be true. Another common excuse for unlawful entry or attempted burglary is that it was raining or snowing and they took shelter in a loft or office building (after business hours). Once inside, however, they tend to open doors and help themselves to any available cash or pawnable items lying around.

We would include most of the individuals Bromberg and Thompson listed as "nomadic" (0.9 per cent) in this group. Our 1953-57 survey gives an incidence of 3.4 per cent; Bromberg and Thompson: 2.5 per cent.

### 10. Primitive Type

According to Bromberg and Thompson, the primitive type is made up usually of "Negroes from rural districts unused to the complex life and customs of the city. They are not of defective intelligence, but their behavior is simple and instinctive." In the last thirty years, the racial strains in Manhattan have shifted so that the majority of this type are now Puerto Ricans rather than Negroes from the

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rural South. Industrious and responsible workers, their employers will often get them out on bail and provide legal assistance when they get into trouble. They have firm family attachments. Their sex life may be unconventional in the sense that they are lax about legalizing their cohabitations by marriage or their separations by divorce, but they generally demand fidelity and loyalty from their paramours.

The crimes they commit are mostly impulsive and violent reactions to rage and fear-provoking situations. Thus, a husband will wield a knife against his spouse or her boy friend when he comes home unexpectedly and finds them in bed. Or a wife will throw lye or acid in the face of a rival who has been trying to get her man away from her. We have also seen "primitive" men knife their paramours, after having taken care of them lovingly and assiduously for several years, upon hearing of their intention to return to the legal husband. We have also seen husbands who have violently assaulted their spouses because of sloppy or indolent housekeeping, drunkenness, or neglect of the children.

Another kind of crime apt to occur in this group is a violent assault that is justified as a protective or defensive measure. Even though the victim may not have had a weapon, the defendant will assert that he acted as though he did have one and so he struck first to protect himself from attack. "It was either him or me, so I defended myself" is a typical explanation in these cases. Recently, we saw a Negro youth from the rural South who was a porter in a restaurant. An argument started between him and another porter about their zones of duty. In

the ensuing scuffle our defendant flung a floor polishing block at his antagonist with such force that he killed him. He maintained that the victim was going after a butcher knife lying on a nearby table at the time he hit him.

Bromberg's and Thompson's figures for this type: 1 per cent; our figures: 1.3 per cent.

### 11. Adjusted to Low Cultural Level

Under his heading, we would list those persons whose offenses would be considered not at all reprehensible by the average person in their particular socio-economic stratum. A typical example is the longshoreman who helps himself to the contents of a broken shipping case even though he may know that there was nothing accidental about breaking the crate.

Another example would be the small-scale "welfare chiseler." A 31-year-old Puerto Rican merchant seaman had regularly and adequately supported his wife and four children on his legitimate earnings, but when assignments became scarce he had to apply for welfare assistance. His family received \$45 a week. Some time later, he shipped out on two five-week trips, each paying him about \$500, but neglected to notify the welfare authorities of this income. He explains his dereliction by stating that relief payments would have stopped immediately, and his family would have been left without funds until he was paid off on returning to port five weeks later. (A more scrupulous person would have found ways of handling this situation other than by accepting relief funds to which he was not entitled. However, such scrupulosity is not prevalent in the lower segments of our society.)

Bromberg's and Thompson's figures: 3.6 per cent; ours: 4.3 per cent.

### 12. Adjusted

Bromberg and Thompson describe this group in the following terms: "We speak of these individuals as adjusted because they are adapted or adjusted to the conditions of the workaday world. They meet the demands of routine work, maintain the usual social contacts, and have the accustomed friendship and love-life of the majority of the population." We consider placing an offender in this group when the offense is isolated, half-hearted, or the result of extreme stress, and accompanied by shame, remorse, and sincere intentions to make restitution; quite often it is committed

out of altruistic rather than purely selfish motives. We might include in this group an otherwise ethical businessman who, yielding under extreme stress to the importunities of a corrupt partner, has resorted to an illegitimate expedient to obtain a loan. Upon arrival of the funds, the partner absconds with them, leaving him "holding the bag."

As noted previously, we listed only 1.9 per cent of our offenders as adjusted in the 1953-57 survey, while Bromberg and Thompson listed 17.2 per cent. Our more rigid criteria and the fact that economic stresses on "adjusted" persons were much greater during 1932 to 1935, years of economic depression, may be assumed to account for the large difference.

# The Death Sentence and Then What?

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*Although little demographic data are available about the capital offender, after thirty-one years the national series on executions is moving into a more comprehensive coverage of all prisoners sentenced to death. Statistics for 1960 included data not only on those executed during that year but also information on those whose cases were disposed of by other means and on those reported under sentence of death on January 1 and December 31.*

A CURIOUS phenomenon in the recent use of capital punishment is the scarcity of information on capital offenders. It seems to contradict man's usual quest for knowledge beyond what is now known. In medicine, for example, an unrelenting effort is made to discover the cause of an illness or the cause of death. From these investigations, methods are developed for ameliorating or curing the ailment. Why, then, do we know so little about the capital offender? Part of the answer lies in the virtually complete withdrawal of the usual information-gathering presentence investigation service. Even in those courts where a presentence investigation is commonly conducted for the general run of cases, its use is regarded as unnecessary and wasteful when the offender's conviction leaves no alternative other than a sentence of death or commitment for a life term.

After the sentence to death is passed, the offender is returned to jail; in most states, when a proper time for appeals has elapsed or when

the sentence has been reaffirmed by the state's Supreme Court, he is taken to the place where the execution will be performed. Here is the second opportunity for collecting information, but, because the capital offender is excluded from the usual admission and orientation program, he does not come under the scrutiny of the institution's classification committee and thus has no contact with its information-gathering system.

A few efforts have been made to learn something about the capital offender. Notable among them are the studies made by Elmer Johnson for North Carolina and by Franklin Bridge and Jeanne Mosure for Ohio,<sup>1</sup> and, on a somewhat different basis, the recent studies on the murderer by

<sup>1</sup> Elmer Johnson, "Selective Factors in Capital Punishment," *Social Forces*, Dec., 1957, pp. 165-169, and "Capital Punishment in North Carolina," mimeo, North Carolina Conference for Social Service, Raleigh; Franklin M. Bridge and Jeanne Mosure, *Capital Punishment*, Research Report No. 46, Ohio Legislative Services Commission, Jan., 1961.

Marvin Wolfgang in Philadelphia and Robert C. Bensing and Oliver Schroeder, Jr., in Cleveland.<sup>2</sup> However, in these cases, only a few of those who had been tried and convicted of murder were sentenced to death. Doubtless more studies will be made of the pattern of disposition so that perhaps we can learn something about the differences between murderers who are executed and those who have their sentences commuted to life or receive reversals upon appeal.

### Three Time Periods

The phenomenon of the capital crime can be divided into three major time periods. The first is the period, sometimes momentary, during which the violence is precipitated. The second is the time of the violent act itself and the subsequent actions of the perpetrator. Finally, there is the period following capture and disposition. The disposition period can be still further divided into two categories: (1) *acquittal*; (2) *a verdict of guilty*, with the sentence set at a term of years, life, or death.

The following material is limited to the third time period and, more specifically, to those individuals whose initial disposition was simply death by legal execution.

### Source of the Data

From 1926 to 1929, in connection with its annual collection of statistics on prisoners, the Bureau of the Census published fragmentary data on executions carried out in the United States. These data deal only with pris-

oners executed in those state institutions participating in the reporting program; no information is given on prisoners executed in local institutions. In 1930, the Bureau of the Census cross-checked the various reports on executions with the executed prisoners' death certificates on file in its Division of Vital Statistics. Thus, 1930 is the first year affording complete national coverage of all executions carried out in state institutions as well as those carried out by local sheriffs or state executioners in local facilities.<sup>3</sup>

Beginning in 1950, when the prisoner statistics program was transferred by the Bureau of the Census to the Bureau of Prisons, the latter agency made a special effort to meet requests for historical and current statistics on executed prisoners. First, it concentrated on bringing the statistics up to date by issuing an annual bulletin on executions, the first of which covered those carried out in 1948. The 1950 publication, issued under the *National Prisoner Statistics* title, furnished data summarizing the major characteristics of prisoners executed under civil authority from 1937 to 1950. This table was based on records accumulated by the Census Bureau

<sup>3</sup> Thorsten Sellin, "A Note on Capital Executions in the United States," *The British Journal of Delinquency*, July, 1950, pp. 7-8. A similar explanation appears in U.S. Bureau of the Census, *Prisoners in State and Federal Prisons and Reformatories*, 1930, p. 49.

From time to time since 1930, Delaware, Missouri, Mississippi, Montana, and Tennessee carried out executions in counties; Louisiana carried out executions in parishes. Illinois provided places of execution at the two state prisons at Menard and Joliet as well as at the Cook County Jail in Chicago. In 1960, only Montana permitted executions in counties and Illinois continues to maintain three places of execution.

<sup>2</sup> Marvin E. Wolfgang, *Patterns of Criminal Homicide* (Philadelphia: University of Pennsylvania, 1958); Robert C. Bensing and Oliver Schroeder, Jr., *Homicide in an Urban Community* (Springfield, Ill.: Charles C Thomas, 1960).



and corroborated by the Bureau of Prisons; it represented the first summary of data on the offense and race of executed prisoners.

In 1951, through the cooperation of several state officials, the series was augmented by including comparable data for the years 1930 to 1936. Each year since then, the Bureau of Prisons has published a single historical table which incorporates information for all years beginning with 1930.

Along with the compilation of this historical series, a second goal was to provide, as soon as possible after the end of the calendar year, a summary of executions carried out in the various states. To do this it was necessary to streamline the collection and verification of execution records.

Until 1960, the method used was simply to list, on a special form, data on all executions carried out in the calendar year, together with similar information on persons held under a death sentence at the close of the year. This form was sent to those state institutions where the death sentence could be carried out. The cooperation of state officials made it possible for the Bureau of Prisons to issue annual executions statistics shortly after the end of the year.

In 1960, the participating officials were asked to fill in a special form, "Movement of Population—Sentence under Death," which provided several new bases of information. It gave, as of the first and the last day of the year, the basic data on prisoners who had been sentenced to death. In addition, it furnished information on all prisoners received from courts in 1960, on all prisoners executed during the year, and on the small group whose sentences were commuted to life or changed in some other way.

This information made it possible for the *National Prisoner Statistics* series to provide a new table on the movement of prisoners who were under sentence of death in 1960. The tables appearing in this article are based on these same forms.<sup>4</sup>

With the historical and current executions material available on an annual basis, the next step was to bring together thirty-one years of information on executions and to transfer the details to single cards, each representing a prisoner sentenced to death. The schedule, based somewhat on the special homicide data forms developed by Marvin Wolfgang and Ralph Murdy, will be most useful in maintaining a uniform set of records on executions.<sup>5</sup>

Maintained by the Bureau of Prisons, the "Prisoners under Sentence of Death" cards will depend upon the "Movement of Population" form mentioned above for follow-up of each prisoner sentenced to death. However, because some of the items are beyond the scope of the annual collection of data, follow-up will be required for such items as criminal record, number of and basis for appeals, relationship of defendant to victim, place of of-

<sup>4</sup> U.S. Bureau of Prisons, *National Prisoner Statistics*, "Executions 1960," No. 26, March, 1961.

The six tables in this paper were prepared by Mrs. Billie J. Tygrest under the direction of the author. Though the data are from official records obtained under the auspices of the *National Prisoner Statistics* program, the report represents findings made by the author and therefore does not pretend to present any official view of the U.S. Department of Justice or the Bureau of Prisons.

<sup>5</sup> Wolfgang, *op. cit.* Also correspondence with Dr. Wolfgang and Ralph Murdy, Managing Director, Baltimore Criminal Justice Commission, concerning the proposed form. The author is indebted for their generous and useful comments.

fense, type of weapon used, and motive precipitating the offense. Also of great importance will be the amount of time elapsing between the significant events in the chronological history of the death sentence case. Thus, for example, for the first time data will be available on the time elapsed between date of arrest and final disposition, between sentence to death and final disposition, and so on.<sup>6</sup>

In summary, the Bureau of Prisons entered the 1960 decade with thirty-one years of data on prisoners executed under civil authority. With the executions bulletin issued annually without delay and the historical series

<sup>6</sup> The matter of elapsed time between sentence to death and actual execution has been studied briefly, the most recent discussion being Donald M. McIntyre, "Delays in the Execution of Death Sentences," Report No. 24, American Bar Foundation, Research Memorandum Series, Dec., 1960.

completed, it is now a matter of bringing together all relevant information on each person executed and entering such data on a single card. A long and tedious process, it promises to open new horizons for the study of the prisoner under the death sentence.

### Prisoners Executed in 1960

In 1960, the number of prisoners executed was 57. (The record low was 49, in 1958 and again in 1959.) Involved were 20 of the 43 jurisdictions (41 states, the District of Columbia, and the federal government) where the statutes provide for legal execution. Five of the 20 jurisdictions accounted for 37 of the 57 executions. California had 9, Arkansas and Texas had 8 each, and Georgia and New York had 6 each.<sup>7</sup>

<sup>7</sup> "Executions 1960," *op. cit.*

TABLE 1  
PRISONERS EXECUTED IN THE UNITED STATES: 1960  
Offense, Age, Sex, Race, and Elapsed Time from Sentence to Execution  
(All males for murder except as noted)  
W = White    N-W = Non-White

Elapsed time (in mos.)	All ages			19-24 years		25-29 years		30-34 years		35-44 years		45 years and over	
	Total	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W
Total executed..	57	22	35	2	7	6	11	6	10	7	6	1	1
Median	16	20	15										
3 and under.....	5	2	3	1	-	-	3 <sup>a</sup>	1	-	-	-	-	-
4 to 6.....	3	1	2	-	-	1	-	-	1	-	1	-	-
7 to 12.....	10	1	9	-	2 <sup>b</sup>	-	1 <sup>b</sup>	1	2	-	3 <sup>b</sup>	-	1
13 to 18.....	17	5	12	-	4	2 <sup>a</sup>	4 <sup>b</sup>	-	4	3	-	-	-
19 to 24.....	11	6	5	-	-	3	3 <sup>b</sup>	2	1	1	1	-	-
25 to 36.....	5	3	2	-	1	-	-	1	1	1	-	1	-
37 to 48.....	3	1	2	-	-	-	-	1 <sup>d</sup>	1 <sup>b</sup>	-	1 <sup>b</sup>	-	-
49 and over.....	3	3	-	1	-	-	-	-	-	2 <sup>d</sup>	-	-	-

<sup>a</sup> Includes 1 for rape and 1 for robbery.

<sup>b</sup> Includes 1 for rape.

<sup>c</sup> Includes 1 for assault by prisoner serving life sentence.

<sup>d</sup> Includes 1 for kidnaping.

Source: U.S. Bureau of Prisons

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Of the 57 executions, 45 were for murder, 8 were for rape, 2 were for kidnaping, 1 was for robbery, and 1 was for aggravated assault by a life prisoner. California and Oklahoma carried out the executions for kidnaping, the first since a federal execution for this offense in 1956. These two were the seventeenth and eighteenth execution for kidnaping since the enactment of the federal kidnaping law as well as similar laws in several states. The one for robbery was carried out in Georgia; it was the twenty-third execution for this offense since 1930, the most recent one occurring in Texas in 1958. The one execution for aggravated assault by a prisoner serving a life sentence was the fifth since 1930, all having been carried out in California.<sup>8</sup>

All prisoners executed in 1960 were males; they ranged in age from a 19-year-old in Texas to a 54-year-old in Georgia. The median age of all prisoners executed was 30. For whites the median was 32 years; for nonwhites, it was 29.<sup>9</sup>

Table 1 shows the elapsed time between sentence to death and execution of the 57 prisoners. It ranged from 1 month and 6 days for a man executed for murder in Washington to 11 years and 10 months for a man executed for kidnaping in California.<sup>10</sup>

For the 57 prisoners the median period between sentence to death and actual execution was 16 months; it

<sup>8</sup> *Ibid.*

<sup>9</sup> All medians expressed in this article are actual. That is, each represents the age or elapsed time of that person who is halfway between each end of the group when it is arrayed from lowest to highest.

The term *elapsed time* refers to the time, computed to the nearest month, between date of sentence to death and date of disposition, or to January 1 or December 31.

<sup>10</sup> "Executions 1960," *op. cit.*

was 20 months for whites and 15 months for nonwhites. The data on median elapsed time afford detailed illustrations of how whites evaded the penalty longer than nonwhites. Of the 8 whites aged 29 and under, 4 were executed after 19 months or more; of the 14 whites aged 30 or over, 9 waited 19 months or more. Of the 18 nonwhites aged 29 or under, only 4 had waited 19 months or more; and only 5 of the 17 nonwhites aged 30 or over had an elapsed period of 19 months or more.

### Dispositions Not Resulting in Execution

Table 2 shows a 1960 total of 36 prisoners—22 white and 14 nonwhite—who were not executed: 22 had their sentences commuted to life, 11 had their sentences reversed or vacated, and 3 were transferred to a mental hospital. Though the last group would be subject to the death sentence should they regain their sanity, the chances that the sentence would be carried out are rare; in such instances, commutation to a life sentence is generally the disposition.

Of the 22 whose sentence was commuted to life, 19 had been convicted of murder and 3 of rape. Of the 11 with sentences reversed or vacated, 10 had been convicted of murder and the other of rape. All 3 of the prisoners transferred to a mental hospital had been convicted of murder.<sup>11</sup>

In age, the 22 whose sentences were commuted to life ranged from an 18-year-old in Ohio to a 61-year-old in Florida.

The median age of the 36 death-sentence prisoners who were not executed was 33 years. For whites the median was 33; for nonwhites, 32. Compared with the median age of

<sup>11</sup> *Ibid.*

those executed, this group of 36 prisoners was somewhat older.

The range in elapsed time between date of sentence and date of disposition for this group of 36 death-sentence prisoners was from 4 months (for 2 prisoners, whose sentence was commuted to life) to 9 years and 9 months (at which time the prisoner was released by court order). The median elapsed time for the 36 pris-

oners was 16 months; it was also 16 months for the 22 white prisoners, but 12 months for the nonwhite.

### Prisoners Received in 1960

In 1960, 113 persons, including one woman, were sentenced to death. Of these, 94 were sentenced for murder, 16 for rape, 2 for kidnaping, and 1, who was a lifer, was sentenced for aggravated assault. (See Table 3.)

TABLE 2  
DISPOSITION IN 1960 OF PRISONERS UNDER  
SENTENCE OF DEATH NOT RESULTING IN EXECUTION  
Offense, Age, Sex, Race, and Elapsed Time from Sentence to Disposition  
(All males for murder except as noted)  
W = White N-W = Non-White

Offense, disposition and elapsed time (in mos.)	All ages			19 years and under		20-24 years		25-29 years		30-34 years		35-39 years		40-44 years		45 years and over	
	Total	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W
Total other dispositions..	36	22	14	-	3	2	1	6	-	3	4	3	1	4	3	4	2
Murder....	32	20	12	-	2	2	1	5	-	2	4	3	-	4	3	4	2
Rape.....	4	2	2	-	1	-	-	1	-	1	-	-	1	-	-	-	-
Commuted to life.....	22	13	9	-	3	2	-	4	-	2	3	-	-	2	2	3	1
Transferred to mental hosp..	3	3	-	-	-	-	-	-	-	-	-	1	-	1	-	1	-
Reversed or vacated.....	11	6	5	-	-	-	1	2	-	1	1	2	1	1	1	-	1
Median	16	16	12														
3 and under....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4 to 6.....	2	-	2	-	1 <sup>a</sup>	-	-	-	-	-	1	-	-	-	-	-	-
7 to 12.....	8	3	5	-	1	1	-	-	-	-	-	-	1 <sup>b</sup>	-	-	-	-
13 to 18.....	10	8	2	-	1	1 <sup>a</sup>	-	2 <sup>a</sup>	-	1 <sup>a</sup>	1	2 <sup>c</sup>	-	1 <sup>a</sup>	-	1 <sup>a</sup>	-
19 to 24.....	4	3	1	-	-	-	1 <sup>a</sup>	1 <sup>a</sup>	-	1 <sup>b</sup>	-	-	-	1 <sup>b</sup>	-	-	-
25 to 36.....	5	3	2	-	-	-	-	1 <sup>a</sup>	-	2 <sup>d</sup>	1 <sup>a</sup>	-	-	-	-	1 <sup>a</sup>	-
37 to 48.....	4	3	1	-	-	-	-	1	-	1 <sup>a</sup>	-	-	-	-	1	1	-
49 and over....	3	2	1	-	-	-	-	1	-	-	-	-	-	1	-	-	1 <sup>i</sup>

<sup>a</sup> 1 for rape.

<sup>b</sup> 1 for rape, sentence reversed, new trial given life sentence.

<sup>c</sup> Transferred to mental hospital.

<sup>d</sup> 1 sentence vacated by court of appeals, 1 sentence commuted to life.

<sup>e</sup> 1 sentence commuted to life without parole.

<sup>f</sup> Includes 1 commuted to life without parole, 1 transferred to mental hospital.

Source: U.S. Bureau of Prisons

<sup>g</sup> Sentence reversed, new trial given life sentence.

<sup>h</sup> Discharged by court order.

<sup>i</sup> Includes American Indian commuted to life. Sentence of Negro vacated by court of appeals.

<sup>j</sup> American Indian released by court order.

Their median age was 27 years; nonwhites, 27. They ranged in age whites had a median of 28 years and from 17 (3, sentenced for murder in

TABLE 3  
PRISONERS RECEIVED FROM COURT UNDER SENTENCE OF DEATH 1960  
Offense, Age, Sex, Race, and Month Sentenced  
W = White N-W = Non-White

Month sentenced and offense	All ages (See note)			19 years and under		20-24 years		25-29 years		30-34 years		35-39 years		40-44 years		45 years and over	
	Total	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W
Total received..	113	55	58	6	5	13	17	14	14	11	9	5	2	1	8	5	2
Murder.....	94	50	44	6	5	13	10	12	11	9	7	5	2	-	7	5	2
Rape.....	16	4	12	-	-	-	6	1	3	2	1	-	-	1	1	-	-
Other.....	3	1	2	-	-	-	1	1	-	-	1	-	-	-	-	-	-
January:																	
Murder.....	9	4	5	-	1	4	-	-	1	-	1	-	-	-	2	-	-
Rape.....	1	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-
February:																	
Murder.....	9	6	3	1	-	3	1	-	-	-	1	-	-	-	-	2	1
Rape.....	1	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
March:																	
Murder.....	1	-	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Rape.....	1	-	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Kidnaping...	1	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-
April:																	
Murder.....	14	7	7	-	-	1	-	2	3	1	2	2	1	-	1	1	-
Rape.....	3	2	1	-	-	-	1	1	-	1	-	-	-	-	-	-	-
May:																	
Murder.....	7	4	3	-	-	-	1	1	-	1	-	1	-	-	2	1	-
June:																	
Murder.....	14	8	6	1	1	2	1	4	2	1	1	-	-	-	1	-	-
Rape.....	3	1	2	-	-	-	1	-	-	-	-	-	-	1	-	-	-
July:																	
Murder.....	4	-	4	-	1	-	1	-	-	-	-	-	1	-	1	-	-
Rape.....	1	-	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Agg. Aslt. by lifer.....	1	-	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-
August:																	
Murder.....	3	2	1	1	-	-	1	-	-	1	-	-	-	-	-	-	-
Rape.....	1	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-
September:																	
Murder.....	3	2	1	-	-	2	1	-	-	-	-	-	-	-	-	-	-
Rape.....	3	-	3	-	-	-	3	-	-	-	-	-	-	-	-	-	-
October:																	
Murder.....	8	2	6	2	2	-	3	-	1	-	-	-	-	-	-	-	-
Rape.....	2	-	2	-	-	-	-	-	1	-	1	-	-	-	-	-	-
Kidnaping...	1	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
November:																	
Murder.....	8	4	4	1	-	-	1	1	2	1	-	-	-	-	-	1	1
December:																	
Murder.....	14	11	3	-	-	1	-	4	1	4	2	2	-	-	-	-	-

NOTE: Includes 1 non-white received in June for rape for whom age was unavailable.

Source: U.S. Bureau of Prisons

\* 1 executed in 1960.

° Commuted to life imprisonment.

\* 1 female.



Arkansas, Illinois, and New York) to 72 (1, sentenced for murder in Arkansas). (None of these 4 was executed in 1960.)

Of the 113 prisoners sentenced to death in 1960, 9 were executed and 1 had his sentence commuted to life imprisonment. At the close of the year, 103 prisoners sentenced in 1960 to death were still being held for execution.

A study made by the author covering executions carried out in the United States from 1937 to 1952 showed an annual average of 128 exe-

cutions. January accounted for the highest monthly average—15; September, the lowest—7. For the first half of each year in the sixteen-year period, the average number of executions was 73; in the second half, the average was 55.<sup>12</sup>

In 1960, the highest number of prisoners sentenced to death per month—17—was recorded in April and again in June. The month with the smallest

<sup>12</sup> James A. McCafferty, *Capital Punishment in the United States, 1937-1952*, M.A. thesis, Ohio State University, typescript, 1954, Table 8.

TABLE 4  
PRISONERS UNDER SENTENCE OF DEATH JANUARY 1, 1960  
Offense, Age, Sex, Race, and Elapsed Time from Sentence to January 1, 1960  
(All males for murder except as noted)  
W=White N-W=Non-White \* = 1 Female

Offense and elapsed time (in mos.)	All ages (See note)			19 years and under		20-24 years		25-29 years		30-34 years		35-39 years		40-44 years		45 years and over	
	Total	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W
Total under sentence of death 1-1-60.	190	90	100	2	4	9	21	23	29	17	19	18	11	9	7	12	6
Murder.....	155	81	74	2	2	8	14	20	20	15	17	16	7	8	7	12	5
Rape.....	30	6	24	—	2	1	7	2	7	2	2	—	4	1	—	—	1
Other.....	5	3	2	—	—	—	—	1	2	—	—	2	—	—	—	—	—
<i>Median</i>	12	12	10														
3 and under...	27	7	20	1	2*	1	2	1	6*	2*	4*	—	5*	1	—	1	1
4 to 6.....	26	10	16	—	1*	2*	4*	2*	4*	1	3	2	—	1	3	2	—
7 to 12.....	48	29	19	1	1	3	6*	8*	3*	8	4	5	2	2	2	2*	—
13 to 18.....	30	15	15	—	—	1	4	6	8*	—	1	3	—	3*	1	2	1
19 to 24.....	10	6	4	—	—	—	—	1	2*	2	2	1	—	1	—	1	—
25 to 36.....	26	12	14	—	—	1	4	4	3*	—	2	4*	2*	—	1	3	1
37 to 48.....	11	7	4	—	—	1	—	—	1	3*	1	1	1*	1	—	1	1*
49 and over....	12	4	8	—	—	—	1*	1	2	1	2*	2*	1*	—	—	—	2*

NOTE: Offense and elapsed time shown for 3 non-whites for whom age was unavailable, 2 for murder (4 and 30 months), and 1 for rape (8 months).

Source: U.S. Bureau of Prisons

- \* Includes 1 for rape.
- \* Includes 1 for rape and 1 for robbery.
- \* Both for murder in connection with kidnapping.

- \* Includes 3 for rape.
- \* Includes 1 for rape, 1 for assault by life prisoner.
- \* Includes 2 for rape.
- \* Includes 1 American Indian.
- \* Includes 1 for rape, 1 for burglary.
- \* Includes 1 for kidnapping.

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number of sentences—3—was March. In the first half of the year, 64 persons were sentenced to death; in the second half, 49. (The lower number in the latter period may be attributed to court recesses during July and August (see Table 3).

### Prisoners under Death Sentence, January 1, 1960

On January 1, 1960, the number of prisoners under sentence of death was

190 (see Table 4). Their median age was 31 years. White prisoners had a median age of 33; nonwhites, 29. The fact that the cases of slightly younger prisoners received from the courts in 1960 were not disposed of during the year, coupled with the disposition of older prisoners by execution or other means, tended to lower the median age of the 210 reported present at the close of the year (Table 5) to 29 years. (The median age was the same—29 for whites and nonwhites.)

TABLE 5

#### PRISONERS UNDER SENTENCE OF DEATH DECEMBER 31, 1960

Offense, Age, Sex, Race, and Elapsed Time from Sentence to December 31, 1960

(All males for murder except as noted)

W=White N-W=Non-White \* = 1 Female

45 years  
and over

W N-W

12 6

12 5

— 1

— —

1 1

2 —

2\* —

2 1

1 —

3 1

1 1\*

— 2\*

of Prisons

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Offense and elapsed time (in mos.)	All ages (See note)			19 years and under		20-24 years		25-29 years		30-34 years		35-39 years		40-44 years		45 years and over	
	Total	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W	W	N-W
Total under sentence of death 12-31-60 . . . .	210	101	109	6	6	18	27	26	26	18	22	12	12	9	7	12	5
Murder . . . .	172	92	80	6	5	18	15	22	20	15	16	12	11	7	7	12	4
Rape . . . . .	34	8	26	—	1	—	11	3	6	3	4	—	1	2	—	—	1
Other . . . . .	4	1	3	—	—	—	1	1	—	—	2	—	—	—	—	—	—
<i>Median</i> . . . .	12	12	13														
3 and under . . .	37	19	18	3	2	2	7*	6*	5*	5	3*	2	—	—	—	1	1
4 to 6 . . . . .	19	6	13	2	1	2	6*	1	2*	1	1*	—	1	—	1	—	—
7 to 12 . . . . .	49	28	21	—	2	9	3*	6*	5	5*	4	3	2*	1*	5	4	—
13 to 18 . . . . .	30	9	21	—	1*	2	4*	2*	5*	1*	5*	2*	4	1	1	1	—
19 to 24 . . . . .	28	19	9	1	—	2	3*	6	2*	3	1	2	2	3	—	2*	—
25 to 36 . . . . .	17	10	7	—	—	—	—	3	4*	—	1	1	1	3*	—	3	1
37 to 48 . . . . .	15	6	9	—	—	1	3	2	1	—	2*	1	1	1	—	1	1
49 and over . . .	15	4	11	—	—	—	1*	—	2	3*	5*	1	1*	—	—	—	2*

NOTE: Offense and elapsed time shown for 4 non-whites for whom age was unavailable: 2 for murder, 16 and 42 months, and 2 for rape, 6 and 20 months.

Source: U.S. Bureau of Prisons

\* Includes 2 for rape and 1 for murder in connection with kidnaping.  
\* Includes 1 for kidnaping.

\* Includes 1 for rape.  
\* Includes 3 for rape.  
\* Assault by life prisoner.  
\* Includes 2 for rape.  
\* Includes 1 for murder in connection with kidnaping.  
\* Includes 1 for burglary.

TABLE 6  
PRISONERS UNDER SENTENCE OF DEATH JANUARY 1 AND  
DECEMBER 31, 1960, AND EXECUTIONS AND OTHER DISPOSITIONS IN 1960  
Elapsed Time and Offense  
(\* = 1 Female)

Elapsed time (in months)	Prisoners reported under sentence of death 1-1-60				Executed				Other disposition not resulting in execution				Prisoners reported under sentence of death 12-31-60			
	Offense				Offense								Offense			
	All	Mur- der	Rape	Other	All	Mur- der	Rape	Other	All	Com- muted to life	Trans- ferred to mental hosp.	Re- versed or vaca- tioned	All	Mur- der	Rape	Other
Total...	190	155	30	5	57	45	8	4	36	22	3	11	210	172	34	4
Median	12	12	10	-	16	16	-	-	16	15	-	6	12	12	17	-
3 and under	27	22	4	1	5	3	1	1	-	-	-	-	37	32	4	1
4 to 6....	26	17	8	1	3	3	-	-	2	2	-	-	19	13	5	1
7 to 12....	48	42*	6	-	10	7	3	-	8	5	1	2	49	44*	4	1
13 to 18...	30	27*	3	-	17	15	1	1	10	8	1	1	30	21	9	-
19 to 24...	10	10	-	-	11	10	1	-	4	-	-	4	28	24*	4	-
25 to 36...	26	22	2	2	5	5	-	-	5	1	1	3	17	15*	2	-
37 to 48...	11	7	4	-	3	-	2	1	4	4	-	-	15	14	-	1
49 and over	12	8	3	1	3	2	-	1	3	2	-	1	15	9	6	-

Source: U.S. Bureau of Prisons

### 1960 Summary Table

Table 6 compares the Jan. 1 and Dec. 31 populations as to number of months elapsed since the day of the sentence. It shows that for the 57 prisoners executed during 1960, the median elapsed time was 16 months, identical to the median recorded for the "other disposition" group.

One significant increase was in the number of prisoners who had been confined for more than three years. On January 1 this group numbered 23; twelve months later it had 30.

The 210 prisoners under sentence of death on December 31 represented 0.1 per cent of the 213,143 prisoners confined on the same day in all state and federal institutions for adult offenders.<sup>13</sup> Collectively and singly, cap-

ital offenders appear to receive more attention than all other prisoners serving sentences in our state and federal adult correctional institutions. From the moment of violence to final disposition (whether by execution or by other means), capital cases are continuously reported to the public. But the mass of information made available about the crime and the offender contains little that is useful for scientific analysis. A comprehensive statistical picture of these cases, supported by detailed multidisciplinary scientific studies of capital crime and capital offenders, would open new horizons for understanding not only the violence committed by one man against another, but also man's success in preventing that violence.

<sup>13</sup> U.S. Bureau of Prisons, *National Prisoner Statistics*, "Prisoners in State and Fed-

eral Institutions, 1960," Bulletin No. 27, Sept., 1961.

# Sonnets from the Probation Department

1960

ers reported  
sentence of  
12-31-60

Offense

	Rape	Other
	34	4
17	-	-
4	1	1
5	1	1
4	1	1
9	-	-
4	-	-
2	-	-
-	1	1
6	-	-

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## 1. JUVENILE COMPLAINT: IN THE INTEREST OF . . .

Here sits enigma—sharp averted eyes,  
Half slouched, half tensed, an almost violent grace.  
Only his hands reveal how much he tries  
To keep on showing “nothing” in his face.  
The statement of complaint, police reports,  
These are the known, the outward surface acts,  
I ask the routine questions, note retorts,  
And watch the mouth that wants to stick to facts.  
Tomorrow I will meet his folks, his street,  
Attempt to find the threads to the design,  
Seek out the loom, though warped and incomplete,  
And strive to keep the pattern his, not mine.  
I cannot walk in his distorted land,  
Just look across, and try to understand.

## 2. YOU ARE HEREBY NOTIFIED TO APPEAR . . .

Now, two weeks later, we move up the stairs,  
The boy, his parents, state police, and I.  
This time is set aside in court affairs,  
And held in Chambers, where no one may pry.  
The hearing is not formal, but the air  
Is close to trembling, watchful, awed, and tight.  
Statements are made; the judge attends with care.  
(We both reviewed my full report last night.)  
Sometimes the seeds of future hope are sown  
Right here, depending on the judge's eyes,  
Upon his words, upon his very tone,  
That may destroy or leave a child some size.  
Though I've sat countless times, it's always new,  
As if I were adjudicated too.

No. 27,

## 3. ... AND PLACE YOU ON PROBATION FOR A PERIOD ...

Probation, meaning one more chance to try,  
 Bound by strict rules, and set times to check in.  
 When he is on probation, so am I,  
 And will continue 'til we lose or win.  
 Now starts my biggest job, to dig below  
 Or man the wall that shuts me out, as he  
 Is shut out from the usual right to grow  
 By crippling dreams and cold reality.  
 Though I have force I cannot storm these walls,  
 It may take months to raise a single stone,  
 It may take years before the bastion falls,  
 And I get in, and he out on his own.  
 It may be never, and the wall stay grim  
 Until he fails, as some of us failed him.

## 4. ... AND HEREBY COMMIT YOU TO ... REFORMATORY

And having failed, returns to that same place,  
 The private room. Once more I testify  
 The record of my contact with this case  
 In which there were two losers, boy and I;  
 The violations mounting through the days,  
 The new offense, demanding in effect,  
 Consideration of more stringent ways  
 That will control and also will protect.  
 The institutions that we use are fair,  
 But staffs are overworked, the job immense,  
 And any institution, anywhere,  
 Still spells "rejection" in the fullest sense . . .  
 The sheriff comes, the boy's farewells are brief,  
 Anger and fear, mixed with a strange relief.

MIRIAM HEMMENDINGER

Probation Officer, Warren County Court, Belvidere, N.J.



# Letters to the Editor

## Social Work in Correction

September 18, 1961

### TO THE EDITOR:

The question of social work in correctional settings has for some time been getting space in the professional journals, and, as suggested in the [Gerald A.] Tracey article, "A Social Worker's Perspective on Social Work in Probation," in the April, 1961, issue of *CRIME AND DELINQUENCY*, it is a question not yet resolved by social workers themselves.

The above-mentioned article seems to go astray, as do most articles of this kind, in the attempt to justify authoritative (i.e., police) methods on the part of social workers because such methods are an essential part of the correctional setting. But the question, occurs to me, are such methods essential to the practice of social work in the correctional setting? The disagreement over social work in correction may be due primarily to our failure to distinguish between the roles played by different personnel in the correctional process. The article shows this confusion by the statement, "Should a good correctional officer, even a social worker, have used judo under those conditions? Why not?" A good correctional officer might well, in the situation described, use judo. A social worker would not, because judo is not a method of social work. The social worker could, of course, abandon temporarily or permanently his status and consequent role of social worker and assume the role of a correctional officer—i.e., a police role—but is such a procedure really essential to the cor-

rectional setting? To quote Howard Gill (*NPPA JOURNAL*, July, 1959, p. 246): "The notion that every member of the prison personnel is a correctional officer is so unrealistic as to fall of its own weight. However, this cliché is being preached in such high places that few dare oppose it."

It is possible for a person to play the role of social worker at one time and to switch his role to that of a policeman at another time, but it is not possible for him to play both roles at the same time, because the roles of social worker and policeman are mutually exclusive. A social worker (who may also be a parole or probation officer) deceives himself if he thinks he can continue a casework relationship after having made an arrest. A policeman, likewise, deceives himself if he thinks he can maintain a good police relationship and at the same time do casework with the subject. Dr. Vernon Fox (in *Federal Probation*, September, 1959, p. 52) stated that "the social work concept of 'constructive use of authority' does not [sic] include the use of handcuffs, leg-irons, blackjacks, judo, and other custodial and restraining procedures." The use of such police methods may at times be of therapeutic value to certain offenders, but such methods are not, by any stretch of the imagination, those of social work. Alternate role playing, such as is sometimes called for on the part of probation and parole officers, is difficult both for the worker and for the client, and requires the highest training in both casework and police work.

One other statement in Tracey's article needs questioning: "It is the legal responsibility of a security institution to keep its inmates in custody. The authority in such a setting must necessarily be different from that in a temporary shelter for neglected children." Indeed, the legal responsibility is clear, and the authority so exercised must be different, but one might seriously question whether it is necessary for this authority to be exercised by social workers. Should not the personnel who are trained to do social work, and who are hired to do social work, have the legal responsibility for social work? And should not the personnel who are trained to do police work, and who are hired to do police work, have the responsibility for custody?

Such a division of labor, I submit, is the most efficient and economical organization of a correctional program. Custody, in the institutional setting, is obviously important. But casework treatment is often just as important. May the correctional social worker, therefore, zealously guard his casework relationships with his clients and not be unduly concerned because one occasionally escapes custody or becomes a threat while at liberty in the community. This is not a plea for less custody. It is rather a suggestion that a division of labor might possibly result in better custody and in better casework.

CHESTER L. CHILES

Instructor, Department of Public Administration, University of Arizona

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# NCCD Annual Business Meeting

Atlantic City, N.J., May 22, 1961

Herbert W. Kochs, President of NCCD, presided.

A motion was made and passed that the reading of the 1960 minutes be waived.

Members of the Board of Trustees in attendance were introduced.

Mr. Kochs presented his report for 1960:

## President's Report

"For a number of years our organization has been growing in stature and effectiveness. Each new task done well has resulted in professional and public pressure to do more.

"With the problem of crime and delinquency growing in severity came a growing concern by the public, which reached the dimensions of a demand that something be done about it. The correctional field, public officials, the large national foundations, and the public have looked to NCCD for more and more help as the only national voluntary agency with a broad interest in the problem. We recognized that 'keeping shop as usual' would not be sufficient to cope with the problem, and we decided to do something about it.

"Some important milestones in recent years are the following:

1. Greatly increased skill of staff in its survey and consultation work. Surveys and consultations have, almost without exception, resulted in large steps forward for the city or state studied.

2. The creation of the Advisory Council of Judges. Through its work, judicial practice and philosophy are being improved.

3. The Citizen Action Program, through which we have been able to dramatize and harness the concern of the public. Merging the ability of the lay leader with that of the professional has shown that progress can be made rapidly enough to blunt and reverse the spiral of crime. We are now able to take the initiative.

4. Establishment of the National Research and Information Center. Initially financed by the Rockefeller Brothers Foundation, the Center will give this country a long-needed repository of information on research already done, in process, and being planned. It will be fully developed soon. Duplication of research will be reduced—we hope eliminated—thus enabling research institutions to begin other work in areas crucially in need of study. The National Institute of Mental Health has promised an additional substantial grant to carry this work on for four years.

"NCCD exists to reduce crime through application of the best methods. We set standards and then seek to secure their adoption. Although we have come a long way toward establishing a framework to do this job, there are still some urgent steps we must take:

1. We need a public education program. The first step was the development of Citizen Action Program committees; the second, recently taken, is the employment of a professional public relations man for the development of an education program which will reach millions of people, not just the professionals.

2. We must give more emphasis to prevention programs. Neither the word itself nor our role in "prevention" has been satisfactorily defined. Criteria must be developed against which prevention can

be measured. After we know some of the things that prevent crime, we can put that knowledge into practice.

3. We must review the role of the correctional institution and parole and we must encourage further experimentation with *alternatives* to confinement. We need top specialists to head up this effort.

4. We must give more attention to law enforcement—both police and prosecution. These two steps in the correctional process are equal in importance to the judicial and the rehabilitation phases, and as yet no citizen-governed organization is concerned with them as part of the prevention-correction process.

5. We need a Board and membership that are active in bringing all this to pass. Each of us may not have the time, knowledge, or opportunity to make surveys, but we can do many things that our staff cannot do. We can interpret our work where it counts. Our support of program objectives will bring them to pass earlier than if staff tried to accomplish them alone.

"A little over a year ago, several members of the Board, with Mr. Rector, took a look at our projected program and the funds needed to put it into operation. We made excellent progress toward the objectives through financial support from the Ford, Babcock, and Rockefeller Brothers foundations and the National Institute for Mental Health. We also found that the projected new services, except for the public education program, could probably be initiated with foundation support.

"Because grants from large foundations always have a terminal date, steps must be taken immediately to increase the Council's unrestricted income if these programs are to remain alive after the grants terminate. By 1965, an unrestricted annual budget of about \$1.5 million will be needed. About one-half will be spent on na-

tional-regional services, and one-half on CAP work in twenty-five states. Of this \$1.5 million, 60 to 70 per cent will come from United Funds; 30 to 40 per cent must come from corporations or their foundations and individual contributors or their foundations.

"In 1960 a good first step was made with an increase of \$147,000, the first nonfoundation growth in many years. At the end of the year we had a small balance. For 1961 we are estimating an increase of \$170,000 over 1960, \$30,000 of which has been promised by United Funds and another \$80,000 to \$90,000 from new CAP states. NCCD is accepting a big challenge; with your help and that of the many top laymen who are joining us, we feel sure of success.

"I would like now to pay tribute to two of our Board members who passed away this year.

"Dr. Giardini, affectionately known to all of us as 'G. I.,' was a casualty of the arctic weather experienced in the East last December. A gentle scholar and a stalwart exponent of integrity and good practice in parole, he gave us wise counsel and guidance. We will all miss him.

"Judge Edwin L. Garvin, a member of the Council since 1922 and the oldest member of the Board in point of service, passed away in October. In his long and fruitful career, Judge Garvin received many honors for his work in our field. He served for many years with distinction as New York Supreme Court and U.S. District Court judge. No Board member ever gave more freely of his time to Council affairs than Judge Garvin. Few major decisions were made without his advice, and his contributions in

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every way to NCCD are too numerous to list.

"I must also tell you, with deep regret, that Colonel Richard W. Cope-land, member of the Board of Trustees from Richmond, Va., passed away last month."

### Executive Director's Report

Milton Rector introduced staff members who had been appointed after the 1960 business meeting or had been transferred to new assignments. He then presented the financial report (available at the NCCD booth), showing a balance of \$1,811.

Mr. Rector stressed that 398 field visits were made in 39 states. He emphasized that since most of the people in attendance heard the report given at the Professional Council meeting, comments on the developments in the various regions would not be repeated here.

The various services of NCCD, such as legal, Advisory Council of Judges, detention services, publications, etc., were explained. Mr. Rector complimented the planners of the Institute for the tremendous job done in developing an excellent program.

### Resolutions and Motions

Randolph E. Wise, chairman of the Resolutions Committee, presented the following resolutions, which were passed unanimously:

1. *Whereas* the Eighth Annual National Institute on Crime and Delinquency has covered a broad and varied spectrum of subjects in its workshops and in the speeches at the general meetings, and

*Whereas* the Institute has inspired cordiality and spontaneous exchange of opinion,

*Be it resolved* that the general planning committee and the program and arrangements committees be congratulated for

their efforts and achievements in providing a successful Institute, and

*Whereas* the Middle Atlantic States Conference of Correction, the Probation Association of New Jersey, and the National Association of Training Schools and Juvenile Agencies have contributed to the success of the Institute,

*Be it resolved* that the National Council on Crime and Delinquency expresses its appreciation to the aforementioned cooperating organizations.

2. *Whereas* upon the occasion of the Eighth Annual National Institute on Crime and Delinquency, the National Association of Training Schools and Juvenile Agencies was for the first time a co-sponsor of the Institute, and its efforts contributed greatly to the success of the Institute,

*Be it resolved* that the National Council on Crime and Delinquency notes with pride and appreciation its collaboration with the National Association of Training Schools and Juvenile Agencies, and looks forward to continued association.

It was moved and passed that this resolution be delivered Tuesday, May 23, at the annual business meeting of the National Association of Training Schools and Juvenile Agencies by Hugh Reed, Assistant Director, NCCD.

3. *Whereas* the facilities, courtesies, and services provided by the management and staff of the Ambassador Hotel to the Eighth Annual National Institute on Crime and Delinquency have facilitated the efficient functioning of the Institute,

*Be it resolved* that the National Council on Crime and Delinquency expresses its appreciation to the hotel management and staff.

4. *Whereas* in almost all jurisdictions in the United States commitment of offenders to state and federal correctional institutions is constantly increasing, leading to overcrowding and threatening to defeat rehabilitative programs, and



*Whereas* the attempt to solve the problem by building additional institutions is not only expensive but not constructive, and

*Whereas* substitutes for imprisonment—probation, suspended sentence, and fines—parole, and other release procedures are available but, in most jurisdictions, are underused, and

*Whereas* the proper use of these forms of community treatment would, in many instances, render unnecessary the building of additional institutions,

*Be it resolved* that no jurisdiction should undertake to build new correctional institutions to increase capacity without first making a study or having a study made to determine whether the expanded use of dispositions which permit treatment of the offender in the community, and which more effectively apply parole and other release procedures, would not be more economical and efficient and avoid the necessity for such expanded construction.

5. *Whereas* the National Council on Crime and Delinquency takes cognizance of H.R. 6747 now under consideration in the Congress, and

*Whereas* this bill contains provisions that would tend to frustrate the philosophy and goals of the juvenile court in the nation's capital, which accordingly has national significance as the court observed by national and international visitors,

*Be it resolved* that the National Council on Crime and Delinquency opposes H.R. 6747 or any other legislation that would obstruct the development of a sound juvenile court in the District of Columbia, and urges legislation that would strengthen the court so that it would be a symbol and example for the nation and a source of pride when observed by visitors from other countries.

6. *Whereas* the change in name from National Probation and Parole Association to National Council on Crime and Delinquency was made in order to reflect a broader field and greater scope, and

*Whereas* the period prior to and since the change of name has been marked by

expansion of program and increase in staff,

*Be it resolved* that the membership expresses its appreciation and admiration for the conduct of the National Council on Crime and Delinquency to the Board of Trustees, the director, and the staff.

7. *Whereas* on May 11, 1961, President Kennedy, by executive order and a message to the Congress, outlined a program of prevention, control, and treatment of juvenile delinquency and youthful offenses, and

*Whereas* the content of this program is forward-looking and sound in principle and would bring federal support to strengthen the programs at state and local levels,

*Be it resolved* that the National Council on Crime and Delinquency supports the principles of the President's proposed program.

### Nominations

The following renominations and new nominations to membership on the Board of Trustees were submitted by Russell G. Oswald, chairman of the Nominations Committee:

#### Renominations

Judge Paul W. Alexander  
J. David Baker  
W. J. Billings  
Franklin F. Bruder  
Ward M. Canaday  
Guy J. D'Antonio  
Alfred E. Driscoll  
Coverly Fischer  
Hugh B. Garnett  
Louis W. Hill, Jr.  
General Albert Sidney Johnson  
Robert W. Knauf  
Walter C. Laidlaw  
Charles M. Love  
Arthur T. Lyman  
Justice Miles F. McDonald  
Austin H. McCormick  
Ben S. Meeker  
Judge Harry G. Miller, Jr.  
Edgerton G. North

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Russell G. Oswald  
 Mrs. Anna C. Petteys  
 George J. Reed  
 Maurice Rosenfeld  
 G. Howland Shaw  
 Mrs. Caroline K. Simon  
 Randall Swanberg

#### *New Members*

Clark Brody  
 Mrs. Bennett Cerf  
 William A. Haseltine, Sr.

All were accepted by unanimous vote.

#### **Committee for Institute Planning**

John Tramburg, Chairman, Ad Hoc Committee on Permanent Planning for Future Meetings of the National Institute on Crime and Delinquency, reported on the May 21 meeting of the Committee, at which were present the following: John W. Tramburg, Charles Shireman, Vincent O'Leary, Roberts Wright, Martin P. Davis, Delmar Huebner, Hugh P. Reed, and Fred Ward.

After considerable discussion of the need for greater continuity in planning and more uniform policies and procedures, the following resolutions were unanimously adopted as the committee's recommendations:

1. That NCCD establish a permanent steering committee for National Institute planning by appointing members generally representative of the several regions for staggered terms of four years, and that representatives for the region and the state in which the conference will be held be designated by regional and state organizations to serve as members of the steering committee for a one-year term.

2. That NCCD appropriate the sum of \$1,000 for annual planning and operation of the institute and that any sums in excess of the actual cost revert to NCCD for subsequent institutes with the understanding that local groups be responsible

for any expenditures for purposes of recreation, entertainment, or hospitality.

3. That the steering committee shall establish policies governing the institute, appoint the officials of the institute, set the registration fees, and approve the budgets for the annual conference.

4. That NCCD assign a staff member permanently to the steering committee to provide staff services and liaison between the committee and other national, regional, and local groups.

5. That the steering committee be assigned responsibility for the development of a manual covering the policies and procedures for the annual institute.

#### **Proposal for NCCD Structural Changes Defeated**

When the name of the agency was changed last year to National Council on Crime and Delinquency, some members of the Professional Council became concerned about the possibility that probation and parole would lose their identity as fields of service. Acting on this concern, the Board of Trustees appointed an ad hoc committee, charging it with the responsibility of coming up with a plan for establishing councils within the agency according to function.

In its subsequent report to the Board, the ad hoc committee suggested that the Professional Council be dissolved and that it be replaced by functional commissions, such as a commission on probation, a commission on parole, a commission on institutions, etc. Since this plan, if implemented, would require changes in the by-laws, the Board of Trustees asked its Committee on Law to draft the necessary revisions. This was done and the Board approved them.

Prior to the 1961 business meeting, Elmer Reeves, chairman of the Professional Council, presented this back-

ground and plan to the Professional Council itself. The result was almost unanimous objection to doing away with the Professional Council, and a special committee of the Council prepared a statement (presented at the business meeting) which called for the continuation of the Professional Council and requested the Board to seek ways of meeting needs within the

present Professional Council structure. The membership voted in favor of the Professional Council's report and did not adopt the proposed by-law changes.<sup>1</sup>

<sup>1</sup>In September, 1961, the action taken during the business meeting was reported to the Board of Trustees, which then acted to retain the Professional Council as presently organized.

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## Book Reviews

**The Prison: Studies in Institutional Organization and Change**, Donald R. Cressey (editor). Pp. 392. New York, Holt, Rinehart and Winston, 1961, \$6.

Donald Cressey has set a rather modest and entirely reasonable objective in editing the collection of papers entitled *The Prison: Studies in Institutional Organization and Change*—to “show governing bodies what contemporary social scientists are thinking and doing.” The authors expertly accomplish that limited purpose; and although their findings need not and should not be accepted unquestioningly, correctional administrators will find them stimulating in re-examining prison policies and programs.

Cressey feels that administrators lack confidence in the academician because professors are not interested in understanding administrative problems, they create embarrassing incidents in the course of their research, and they have not, until recently, made much use of their social science theories in analyzing prisons. By implication, however, he himself reveals a similar kind of bias against administrators when he comments that “the authors probably know more about prisons than do most wardens.” There is no need for either bias, for the book shows us that a tenable middle ground does exist, that both groups have a valuable contribution to make. The authors’ research indicates that much of the current thinking among wardens, which is based largely upon experience, is not without scientific backing.

Perhaps the most uncompromising attack on the prison can be found in

the two chapters by Erving Goffman, who views the prison as a “total institution”—that is, one whose “total character is symbolized by the barrier to social intercourse with the outside” and which forms a segregated community. (Other examples are mental hospitals, leprosaria, army barracks, and monasteries.) The new inmate is stripped of self-respect and self-identification through a “process of mortification” that is rationalized by a mythology which disguises the institution’s real purpose of managing “the daily activity of a large number of persons in a small space with a small expenditure of resources.” Having accomplished this “mortification,” the institution then offers certain privileges, which are, in actuality, “merely the absence of deprivations one ordinarily expects one would not have to sustain.”

Whether or not most wardens would accept this picture, they would be familiar with Goffman’s account of some of the inmate adaptations to institutional life. Some inmates withdraw psychologically from the situation, some become intransigent, some vegetate in apparent contentment, and some try to be model prisoners.

The observations of staff-inmate relationships, in Goffman’s second chapter, might well be applied to management-employee relationships in a large business firm; indeed, in somewhat different terminology, they can be found in management literature.

The familiar charge that prisons cannot at the same time both punish and rehabilitate is discussed by Johan

Galtung. These contradictory purposes bring about a more or less deliberate policy of uncertainty, which prisoners try to overcome by every artifice known to them. Most wardens would object to the author's conclusion that unless society abandons the idea of punishment, the prison cannot secure the resources and the public acceptance it needs to accomplish its treatment purposes. But they would subscribe to the author's wry concession that society is not likely to abandon its negative sanctions.

The next two chapters are very largely an exploration of Gresham M. Sykes's hypothesis in *The Society of Captives* that administrative changes in the established social structure of inmates bring about unrest and disorganization in the prison. Using Oahu Prison as a case history, Richard H. McCleery documents its transformation from a static, custody-dominated organization in 1946 to one managed chiefly by treatment personnel in the early 1950's. The effects of this change, primarily in realigning official communication patterns, disrupted the inmate social organization which, in turn, resulted in rising tension and successive waves of violence against which force had little impact. A new pattern of order began to emerge only when the warden authorized an inmate-written newspaper and began to meet formally with the entire inmate body. Prison wardens will endorse McCleery's conclusion that a "substantial part of the total system of social control . . . lies within the structure of the inmate society," but not his observation that prison officers are unable to recognize this principle.

George Weber examines a similar upheaval which occurred among the cottage parents of a boys' training

school when a new administration changed the school's orientation from custody to treatment, from repression to permissive and understanding techniques. The prestige of the cottage parents dropped, and they reacted psychologically with most of the standard defense mechanisms, seriously disorganizing the institution. Order was restored only after the superintendent and his professional staff recognized that the cottage parents had a meaningful role to play in the new program and set about supporting them in this role.

Another of Sykes's hypotheses, that the inmate social system will be controlled by those inmates who have thoroughly internalized a criminal value system so long as the "pains of imprisonment" are not reduced, is supported by Stanton Wheeler. McCleery's second chapter asserts somewhat similarly that the repressive measures used in the operation of the "incurable unit" probably "intensify tendencies to criminal attitudes and behavior." The rigid belief systems developed by the prisoners in the incurable units of Oahu Prison and the North Carolina Central Prison were the product of their resentment and resulted in great hostility toward society and its official representatives. Again, although most prison wardens will substantially concede the destructive effects of an incurable unit, they are unable to find a satisfactory alternative for controlling the explosive behavior of the inmates confined therein or for retaining this type of prisoner in the general institutional population.

The last three chapters present some concepts that are intended to contribute to rehabilitation in the prison community. Clarence Schrag,



a sociology professor who has also operated penal institutions, tacitly recognizes the administrator's difficulties in making practical applications of criminological findings, difficulties which Schrag attributes to "the inadequacies of its theories, especially its vaguely defined concepts and its loosely connected postulates." In a well-written chapter, he tries to provide some foundations for a consistent theory of correction by clarifying those concepts which are significant to the analysis of prison communities.

Donald L. Garrity finds fault with the "prisons breed crime" cliché and his chapter gives an account of his attempt to probe the statement through a study of inmates released from two Washington prisons over a one-year period. He found that the principle applied only to relatively stable offenders who were incarcerated for a prolonged period. The relatively unstable offenders were more likely to adjust successfully on parole after a long period of incarceration than after a short one.

In the final chapter of the book, Daniel Glaser and John R. Stratton offer similar findings, based on preliminary data on inmates released from federal penitentiaries in 1956. They agree with Garrity's conclusion that "the greater the amount of stability prior to incarceration, the more an increase in duration of incarceration was associated with an increase in postrelease failure, but the greater the instability before prison, the more continued imprisonment was associated with increased postrelease success." It should be reassuring to prison wardens, who have long suspected as much, to have the concurrence of their academic brethren. They can use research data of this kind in sup-

porting legislative proposals for indeterminate sentences, which would enable them to release inmates at the time that imprisonment has accomplished its stabilizing objectives and before it can become damaging.

MYRL E. ALEXANDER

Assistant Director, U.S. Bureau of Prisons

**The Compulsion to Confess, Theodor Reik.** Pp. 493. New York, Farrar, Straus and Cudahy, 1959, \$7.50.

The third volume of selections from Theodor Reik's work, *The Compulsion to Confess* is, according to the publisher, a study of the psychology of crime and the criminal. Although it is true that the first two parts, "The Unknown Murderer" and "The Compulsion to Confess," fulfill that purpose, nevertheless the book has a much broader scope, taking frequent excursions into areas quite alien to the main topics. For instance, the third part, "The Shock of Thought," does not really relate to the first two; it includes chapters on traumatic neuroses, fright and anxiety, forgiveness and vengeance, faith in a higher justice, and the genesis of the super-ego.

Moreover, when Reik does observe the criminal and crime, he overemphasizes what is no longer a novel thesis—that men commit crimes through an unconscious need to be punished for an unresolved Oedipal conflict—and almost totally neglects the economic, sociological, and cultural aspects of the problem.

As with Reik's other writings, this volume impresses the reader with the extraordinary breadth of his reading and knowledge, and it includes some fascinating material on the folklore of crime. Unfortunately, however,

Reik tends to generalize too readily from the esoteric, telling us, for instance, that many burglars defecate at the scene of a crime because of the superstition that this will prevent immediate pursuit.

Boldly, but sometimes with a caricaturist's distortion, Reik presents the thesis that criminal justice neglects the unconscious, frequently resorting to magical formulas in order to deny its existence. "In the majority of cases," he says, "the same motives determine the judgment of the modern judge and that of the magician of the Australian bush."

The tendency of many criminals to confess readily is explained by the fact that confession "is a repetition of the crime in its palest form, in words. With this repetition a kind of undoing of the deed, in a magical sense, has been achieved." The role of parapraxes in the behavior of the criminal, whose slips often amount to an unconscious confession, is interestingly treated.

Reik believes that punishment is ineffectual because great numbers of criminals commit offenses deliberately to secure punishment. And for the remaining criminals—those with subnormal superego development—punishment is useless because it has no deterrent value.

The volume concludes with a short statement on Freud's view that murder should be opposed "whether committed by an individual as a crime or by the state in its retaliation."

"The Unknown Murderer," first published in Germany in 1932, was translated by Mrs. Ernest Jones and then published in the United States in 1945; that volume is now out of print. "The Compulsion to Confess," consisting of lectures given to the

Vienna Psychoanalytic Association, was published in Vienna in 1925; only a portion of it has previously appeared in English. Part three, "The Shock of Thought," was published in Germany in 1928.

Although the scientifically critical will find many deficiencies in Reik's book and the psychiatrically sophisticated will consider it dated, nearly all readers will find it provocative.

MANFRED S. GUTTMACHER, M.D.  
Chief Medical Officer, Supreme Bench  
of Baltimore

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**The Untried Case: The Sacco-Vanzetti Case and the Morelli Gang.** Herbert B. Ehrmann. Pp. 268. New York, Vanguard Press, 1933, 1960, \$3.95.

**A History of Capital Punishment.** John Laurence. Pp. 230. New York, Citadel Press, 1960, \$5.

If any case in the history of American jurisprudence could be cited as an argument against capital punishment, the Sacco-Vanzetti case is it. Surely, at this time, in this journal, the facts of the case need no recounting. In the theater, James Thurber and Maxwell Anderson have been witness to this caricature of justice. Between the covers of books there have been many protests, none more convincing than that of Osmond K. Fraenkel. Even television, despite its timidity, has made its voice heard. But it was left to Herbert B. Ehrmann to show who, if not these two, were probably guilty.

Ehrmann's book, first published a generation ago, took the finger of suspicion from "a good shoemaker and a poor fishpeddler" and pointed it at a group of professional hoodlums, the Morelli gang. I use the word "suspicion" purposely. For me, Ehr-

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mann has made out so convincing a case against this gang that it passes belief how anyone, in the face of his presentation, could have sent Sacco and Vanzetti to the death house. But, more important in consideration of the death penalty, I would like to find the person who, today, would not have "reasonable doubt" about their guilt in light of this material. That is why we should be grateful for republication at this time, so that a new generation, dispassionate and uninvolved in this case, can learn how innocent men can be murdered by the state.

A young attorney in the 1920's Ehrmann was brought into the case by William G. Thompson, who represented the two anarchists after their conviction. He was asked to investigate the confession of Celestino Madeiros, already sentenced to death for another crime, that he had been party to "the shoe company crime at South Braintree" and that "Sacco and Vanzetti was not there." He started with more than a little doubt about Madeiros' story, but ended by believing that the evidence he had accumulated in substantiation of it was overwhelming. It is that evidence which is presented here. And it is presented so fascinatingly and with such clarity that one wonders anew how responsible officers of the State of Massachusetts could have behaved with such apparent vengeance. That is not an idle speculation. In our day, too, the fear of those who differ from us radically has led to monstrous irrationality.

For those not acquainted with the facts, one further observation: The many movements in this country for the abolition of the death penalty in those states in which it is now the

law are more vigorous than ever before. And all of them are greatly indebted to the American League to Abolish Capital Punishment, whose work for many years has been carried on the shoulders of one incredibly dedicated woman, Mrs. Herbert B. Ehrmann. No little of her dedication comes from the work she shared with her husband in the Sacco-Vanzetti case.

There is only one excuse for listing John Laurence's book with Ehrmann's: it includes Clarence Darrow's views on capital punishment, reprinted from his *Crime: Its Cause and Treatment* (1922). For the rest, it is diet for those who feed on morbidity and who, in any event, can be better fed elsewhere.

JEROME NATHANSON

Chairman, New York Committee to Abolish Capital Punishment; Leader, New York Society for Ethical Culture

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*Causes of Crime, Lord Pakenham.* Pp. 198. Springfield, Ill., Charles C Thomas, 1959, \$4.75.

In 1953, the Nuffield Foundation of England invited Lord Pakenham "to make a critical appraisal of current opinions about the causes of crime and the reason for the increase of crime in recent years" in England and Scotland. *Causes of Crime* is based upon the interim report to the Foundation and covers about two years of investigation. Statements of individuals and organization representatives, which were made at both formal hearings and informal discussions conducted by Lord Pakenham, as well as replies by probation officers, chief constables, prison officials, and others to questionnaires—all became source ma-

terial for the book. The information and opinions elicited from these sources are presented under nine separate headings.

The section entitled "Natural Endowment" considers a range of viewpoints—from the Magistrates' Association's statement that "criminality is the result of environment rather than heredity" to that of the Chief Police Officers, who attribute "basically all crime" to "the offender's natural endowment." The last word on this controversy, however, is given to the psychiatrist, Dr. T. C. N. Gibbens: "The conclusion that emerges from the detailed twin and family studies is that the environmentalist never succeeds in eliminating heredity factors as possibly and even probably important."

In the section devoted to "The Influence of the Family," Pakenham quotes the opinions of both Dr. Gibbens and another psychiatrist, Dr. J. Bowlby, and emphasizes the psychological and moral influences exerted by the family during the first few years of a child's life, concluding that "parental neglect is by far the most fatal quality" in delinquency causation.

The stand taken by an educator and the National Association of Probation Officers on "The Influence of the School and Club" is that "schools have an excellent opportunity of spotting and rescuing unhappy, neglected and potentially delinquent children." The chairman of the National Association of Boys' Clubs denied the probability that "many of our best clubs will normally attract and hold those boys who are sub-normal and anti-social," although he realizes that these boys are the very ones "most in need of club life."

One of Lord Pakenham's personal conclusions, which he injects into the discussion on "The Atmosphere of the Times," is that World War II was responsible for a great increase in crime, whereas World War I did not have the same effect. He states that "economic vulnerability," as a consequence of the postwar shortages, became a great factor in the current prevalence of crime in England.

As might be expected from the section on "Influence of Religion," the Church of England Group, the Roman Catholic Group, the Free Church Federal Council, the Salvation Army, and the Jewish Board of Guardians all agreed that "irreligion in the long run leads to immorality and immorality to crime." Pakenham, however, reminds us that "a decline in religion leading to an increase in immorality and crime" is still a debatable subject.

Pakenham also doubts whether a causal connection exists between Britain's economic and social conditions and the incidence of crime, although he concedes that for those of lower social and economic status, "temptation is greater" and "social pressure in favour of respectability is less." However, the fact that he questions whether "the poor commit more than their share of crime because they are poor" or whether "the kind of family which sinks to the bottom is also the kind of family most likely to break the law" reveals that sufficient evidence linking poor environment directly to crime is still lacking.

As to "The Effectiveness or Otherwise of the Police," the Association of Chief Police Officers agreed that there is a definite relationship between police strength and incidence of crime, and that "the greatest deterrent to criminals is the fear of being caught."

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On this assertion Pakenham commented that studies of "areas where crime was heaviest, or has apparently increased most rapidly . . . show no connection . . . with a police deficiency in quantity or quality."

The final section on current opinions is appropriately called "'X' Characteristics of the Criminal," since no one can agree on what distinguishes "the criminal population from the general run of the community." But, the author tells us, "it seems wise to guard against even the appearance of denying that any connection exists between abnormality and crime."

From these opinions, Lord Pakenham concludes that criminal statistics have not revealed the true state of crime in England. His book reveals one of the major obstacles to effective public action in prevention of crime: the unvalidated assumptions used by so many people as major premises upon which to take action.

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**Restitution to Victims of Crime,** Stephen Schafer. Pp. 130. Chicago, Quadrangle Books, 1960, \$4.75.

Society usually devotes more attention to the punishment and rehabilitation of criminals than to the relief of their victims. Desiring to improve this imbalance, the British Home Office commissioned Dr. Stephen Schafer (Ph. D., University of Budapest) to investigate the problem of restitution for the private losses incurred by crimes. Schafer surveyed the legal systems of thirty different countries, compiled the findings in the present volume, and concluded that restitution

is a necessary adjunct of criminal justice.

The author recognizes, correctly, that in his "brief lines" he has not solved the problems he set out to explore, yet he hopes that his "rough but true" study will contribute to the development of a system that operates somewhat like this:

1. The court has a duty to deal with restitution whether or not the victim specifically claims it.

2. The same court that decides the criminal case should determine the amount of restitution and give a combined sentence that includes both restitution and punishment.

3. To avoid delay, the court may decide the criminal sentence first, but should then couple this part-sentence with a decision concerning restitution.

4. The decision on restitution should fix a specific amount to be paid in installments from the offender's earnings after his release or after he has paid a fine to the state. In doing this, the offender's social position, personal circumstances, and reasonable but minimum standard of living should be considered.

5. Restitution should be collected in the same way as taxes.

6. Through fines or other sources, the government should set up a compensation fund for victims who cannot obtain restitution from an impecunious or unknown offender.

In support of his conclusions, Schafer offers comparative sketches that reveal the operations of criminal courts in all parts of the globe. Unfortunately, he presents his material as though he were conducting a college cram course. He suggests and discards ideas before the reader can appreciate their significance, in the apparent belief that a wide range of



legal information will compensate for a lack of deep analysis. So, for example, the systems existing in Yugoslavia and Egypt are each described in half a page. Even if we recognize that these countries use different measures of compensation applied in different procedural ways, we can never decide which system operates to the victim's best advantage.

Schafer's failure to probe into the mainsprings of even a few systems of restitution has produced a book that is superficial. After we accept its underlying principle—namely, that victims of crime deserve better treatment than they now receive—we have no reason to finish his book. Schafer should have discussed some ramifications of the following problems, answers to which are essential to "economic justice":

If criminals generally come from low-income groups, how practical is it to suggest that the victim be compensated from the offender's present estate or from his earnings after his release from prison?

If prison wages are now so low—for example, a maximum of ten cents per hour in California—how can an offender earn enough to repay his debts while serving his sentence?

If the state would increase a prisoner's wages to benefit the victim's account, why not eliminate the prisoner as "middle-man" and pay the victim directly?

If the state itself were to compensate the victim, what controls can be established to prevent an individual from falsely claiming a loss to unknown criminals?

Will the hope of a guilty verdict and consequent restitution impel a victim to strengthen his testimony against an accused person who may be innocent?

Until we have this information, we should hesitate to place the financial interests of individual citizens on a plane equal to society's interest in justice.

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•  
**Crime and Kids, Inspector John E. Winters.** Pp. 159. Springfield, Ill., Charles C Thomas, 1959, \$4.95.

The depth and scope of the material sandwiched between the covers of *Crime and Kids* go far beyond what the average reader might expect from a book with such an unassuming title. The many facets of juvenile delinquency and youth crime which confront the police are covered succinctly and interestingly by Inspector John E. Winters, an outstanding expert in juvenile work. He reviews the findings of the International Association of Chiefs of Police and the Delinquency Control Institute of the University of Southern California, as well as the procedures of the Metropolitan Police Department, Washington, D.C., of whose Youth Aid Division he is the commanding officer.

The book stresses the importance of the police relationship with the community and its social agencies, and voices the current concept that a community which works actively with its police force helps itself as well. Without community support, a police department is like a person trying to do a job with one hand tied behind his back.

Police units contemplating setting up juvenile or youth units within their departments would do well to study Winters' criteria for organization, training, and procedures. Although the objectives of a special

juvenile unit are the same as those for the entire department, modified procedures consonant with the protective and rehabilitative intent of juvenile court laws must be used in handling children. As stated correctly by the author, the purpose of the specialized unit is "understanding, control and suppression of juvenile delinquency, the elimination of detrimental influences and the protection of delinquent, dependent, neglected and mistreated minors."

In dealing with the street-gang problem, Winters agrees with the approach used generally by social agencies to produce more constructive behavior among gang members. However, opinions may differ with respect to his contention that police could use the same approach as trained workers, although he does clarify that point when he writes: "Certainly, under most conditions, the police should not enter this field; however, if there is no other agency available, then someone must take the initiative if effective action against undesirable gang conditions is to be instituted."

This reviewer feels that police initiative should be limited to encouraging the community to acknowledge the need for such an agency and to helping to organize and operate the agency once it has been established. The police cannot and should not be the only community agency providing stop-gap programs in lieu of long-range, coordinated services.

Winters uses some case histories to help document the idea that a relationship clearly exists between maladjustment and truancy, truancy and delinquency, and delinquency and crime. Not so clear is his discussion of curfew and antiloitering laws, in which he presents only the favorable arguments and ignores the many argu-

ments in opposition. Many large cities are reluctant to rely on a curfew law, which may very easily be used as a tool against certain minority groups rather than as a tool for curbing juvenile delinquency.

The concept of a central referral is an excellent one, not only because it is the best way to refer cases but also because such a system can be used to estimate community needs and to evaluate the effectiveness of public and private agencies. While a central referral setup may be unwieldy in a large city that has numerous agencies, similar—although perhaps less effective—results can be obtained by requiring detailed reports from the agencies concerned. Whichever method is used, a central planning unit with authority and control over all agencies is presupposed.

This book presents a great deal of information of value to police administrators and other interested persons—a job for which Inspector Winters should be commended. Its usefulness would have been greatly enhanced by documentation of the sources of the supporting data.

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*Passport to Paradise . . . ?* Bernard Finch. Pp. 191. New York, Philosophical Library, 1960. \$6.

Many people today associate the word *drug* with visions of opium dens, heroin addicts, reeferers, and crime and sexuality. They may forget that drugs, when used judiciously, have proved a boon to the happiness and well-being of mankind—eradicating disease, prolonging life, and even curing mental

illness. Often, they tend to remember only the harmful effects of drugs used indiscriminately—warped judgment, lower moral values, a false sense of security. Because of this dual aspect of drug usage, Bernard Finch's choice of the question form in the title of his book, *Passport to Paradise . . . ?*, is most appropriate. His purpose is to "enlighten the public about drugs, their origin, history and users; and to sweep aside prejudices and misconceptions about them." Although he does not attempt to evaluate the social, economic, and psychological bases of drug addiction, he does describe the pharmacological aspects of all types of drugs, including caffeine, nicotine, tranquilizers, and barbiturates. Such chapter titles as "Hallucinating Drugs," "Drugs and Abortion," "Sexual Power of Drugs," "Devil's Weed—Marihuana," "Unholy Snow—Cocaine," "Dream Maker—Opium," and "Kill or Cure—Strychnine" give some idea of the book's range and content.

Four important drug groups that affect the mind are (1) the hallucinogens—drugs that produce hallucinations, vivid visions both colorful and strange, (2) the sedatives—opiates, barbiturates, and alcohol, which produce sleepiness and relaxation, (3) the stimulants—such as cocaine and benzedrine, which have the ability to excite, and (4) the tranquilizers, used extensively in the treatment of mental disease and the relief of excess anxiety.

The correctional worker will be particularly interested in the chapter on addiction. It points out that the struggle to survive has produced many discomforts and tensions; in the effort to relieve them, man has displayed remarkable ingenuity in discovering drugs that would reduce pain or

make life more pleasurable. The use of drugs goes back to earliest recorded history, and many primitive religions were based on magic derived from the use of certain plants and associated with the hallucinatory and visionary powers of the priests.

When drugs are used to effect escape from problems and worries, the addiction is a symptom of a personality disorder. The "addict-prone," who has a low tolerance for physical and mental discomfort, can be relieved of distress symptoms through the use of drugs. With them, "He has mastered the life situation, he has physical and emotional pleasure, he has had his sensitivity to external stimuli reduced, and anything that is painful mentally or physically is gone. The patient has the illusion that his troubles are solved and not just shelved. In other words, he only feels normal under the influence of drugs." However, according to Finch, "This soothing creates further problems and newer drugs are searched for and found. These in their turn create still further problems. Here we have the 'Drug-Ring' with a vengeance, but the consequences are more severe."

The normal and balanced individual who becomes addicted in the course of medical treatment does not present much of a problem because, after physical withdrawal, he is no longer psychologically dependent on the drug. But the "addict-prone," who finds emotional gratification in the drug, has a high rate of recidivism even after several periods of hospitalization.

Finch, an English physician, is consultant on narcotics to the British Ministry of Health; apparently he has had little or no experience with the drug problem in the United States, and his failure to refer to the Amer-

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ican picture—racial minorities, slums, heroin addiction, and Miltown usage—leaves a void for the American reader. His statement, for instance, that "it is difficult to know whether or not drug addiction is on the increase" may be understandable in light of the situation in Great Britain, but many of us in the United States are convinced that, over the past decade, the number of drug addicts has gradually increased. Then, too, Finch tells us that morphine is the choice of most addicts when, as a matter of fact, heroin is the drug used by 87 per cent of American addicts.

Because relatively little heroin is used in England, the book devotes little space to it; however, as an opium derivative, its characteristics and effects are adequately described in the chapter, "Dream Maker—Opium," along with the other derivatives, morphine and laudanum. Of these sedatives, heroin is the most potent pain-killer and the most addictive. Symptoms of opiate usage, which tends to depress all bodily functions, include low blood pressure, slowed responses, decrease in digestive fluids, drying up of saliva, loss of appetite and weight, constipation, loss of hair, and drying up of tear glands. Finch's assertion that addiction makes the male sterile is dubious, but there is reason to believe that it reduces sexual desire.

Of special interest to those engaged in correctional work is "The Devil's Weed—Marihuana" because "reefers" are usually the stepping stone to heroin. As to whether marihuana increases sexual desire, Finch has this to say: "After several inhalations, a feeling of sexual excitement develops and the smoker is able to improve his sexual performance, in that erection is stronger and more persistent, but orgasm is depressed and does not

usually take place." Marihuana is not an aphrodisiac; it releases inhibitions and increases the suggestibility of the smoker. Its effects are temporary and "the addict soon becomes sexually inert, losing all interest in sexual activity."

A short time ago, people generally believed that alcohol was a stimulant rather than the depressant it really is. The misconception was based on the fact that buoyancy, volubility, and light-headedness were among the effects it produced when its chemical reaction affected that part of the brain controlling the faculties of caution, judgment, self-criticism, and morality. Hence, there is a temporary loosening of inhibitions. When the full effect of alcohol takes place, however, the entire brain is depressed, and the result is fatigue and sleep.

Barbiturates—so-called because they were discovered on St. Barbara's Day in Germany some sixty years ago—are also depressants and are probably the most dangerous form of sedation if used improperly. Excessive use can result in death, while addiction to phenobarbital, Nembutal, and Seconal result in mental depression, muscular weakness, hallucinations, and—in extreme forms—psychosis with acute delirium. Their effects are far more devastating than those of heroin addiction. Unfortunately, Finch does not point up the increasing number of barbiturate addicts, perhaps because Britain does not have the problem to the extent we do. American barbiturate addicts, as a rule, come from the middle and upper classes. Partially responsible for the widespread use of barbiturates are those thoughtless physicians who dispense such drugs indiscriminately.

Of course, when properly used, barbiturates are of great medical value.

In psychiatry, for example, they remove inhibitions and release tension; in severe forms of mental disease, large doses keep the patient in a semiconscious state for several days, during which he releases his emotional tensions. Furthermore, while under narcosis, a patient is amenable to therapy by suggestion.

Practically all drugs have definite medicinal value *if used with caution* and under proper medical supervision. But the author overoptimistically declares that "with medical laboratories and experienced chemists, there is hope that all disease may eventually be wiped off the face of this earth, and all unnecessary pain completely relieved." Certainly the discovery of such tranquilizers as reserpine, chlorpromazine, merpridine, and pecazine has revolutionized treatment of mental patients. The danger arises when drugs are used primarily for their euphoric and pleasurable effects, without any physiological need

for them. Truly, drugs can be a passport to paradise—or to hell.

The blurb says the book was written primarily for the general reader, a highly inappropriate statement in light of the excessive detail on the ancient historical background of many drugs, the technical names of drug-producing plants and organisms, and the pharmacological processes. Whole chapters are devoted to obscure drugs such as aconite, colchicum, and colocyth. Moreover, for the correctional worker, interested mainly in social, legal, psychological, and environmental influences on and causes and treatment of drug addiction, this book is lacking. However, for the person wishing to find out more about the physiological and psychological effects of drug addiction, it is most satisfactory.

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Division of Parole

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